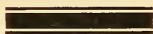








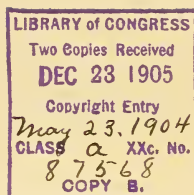
Our Civic Image and Our Governments



BY
HENRY HARDIN CHERRY,
BOWLING GREEN, KY.



Published by the
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Bowling Green, Kentucky.



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BY
HENRY HARDIN CHERRY.

5

Dedication

This book is Dedicated by the
Author to the People, who are
the Real Rulers of our Country.

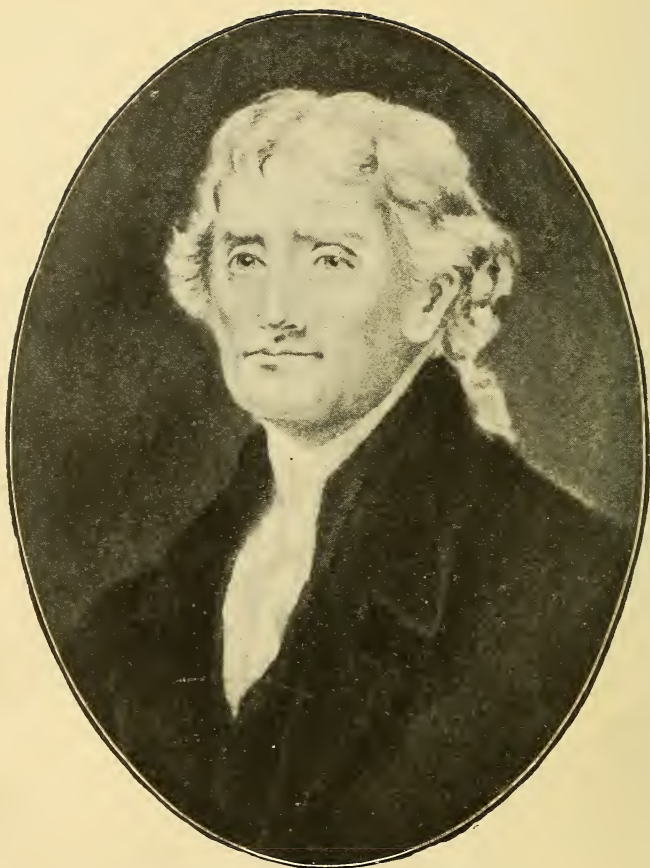


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THE NATION'S CAPITOL AT WASHINGTON.



THOMAS JEFFERSON.

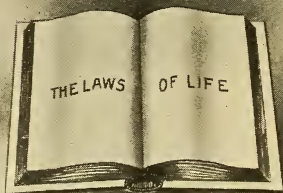
"We hold these truths to be self-evident, that all men are created free and equal; that they are endowed by their Creator with certain inalienable rights; that among these, are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

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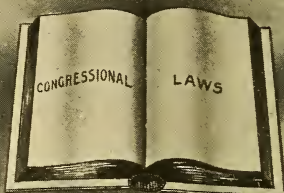
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OUR STATUTES.

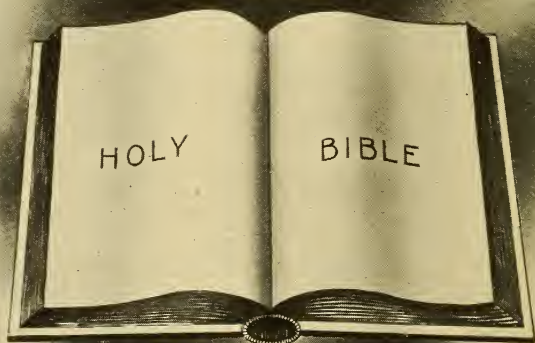
MAN'S STATUTES



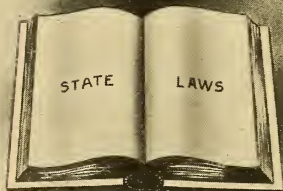
NATIONAL STATUTES



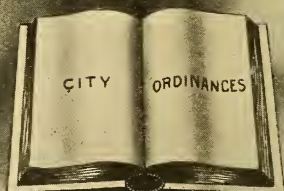
GOD'S STATUTES



STATE STATUTES



CITY STATUTES



PREFACE.

The individual citizen has been one of the central thoughts in the preparation of this book. A "government of the people by the people and for the people," has been constantly before the author in his efforts to prepare this course of study in civic character building and civil government. The law of God is higher than the law of man. It is above the king's commands. Man was made by God in his own image. Governments were made by man in man's image.

Our government grew out of character. It sprang from the lives of men. Its organization was the result of conscience implanted in man and of character developed by him. Patriotism and character are closely related terms.

An earnest attempt has been made in this book to place upon the hearts of the people the responsibility of being citizens of the United States. The only thing new or original the author claims is in bringing man closer to government and government closer to man; in showing the close analogy between individual character and national character; and in pointing out the likeness of the form of our government to the nature and being of man—of self-government to civil government. The study of civil government is usually regarded as a dry and uninteresting subject. The author has endeavored in the preparation of this course of study to make it an interesting and readable, as well as a logical, treatise upon the subject of governments. While it is impossible to give a publication of this kind the thrilling interest that characterizes some books, yet it is earnestly hoped that the attention of the reader will be held.

Whoever opens this book with a view of reading its pages and noting the parallel between soul government and civil government, will find it to his interest to study carefully the accompanying chart. It suggests more than it tells in words. It is an outline of the contents of the book. It is a part of this preface. As far as the author knows, this is the first book on Civics that has been highly illustrated.

This publication is respectfully submitted to the public with the hope that it will be valuable in building a righteous citizenship and in bringing the people to a better understanding and a higher appreciation of their government.

HENRY HARDIN CHERRY.

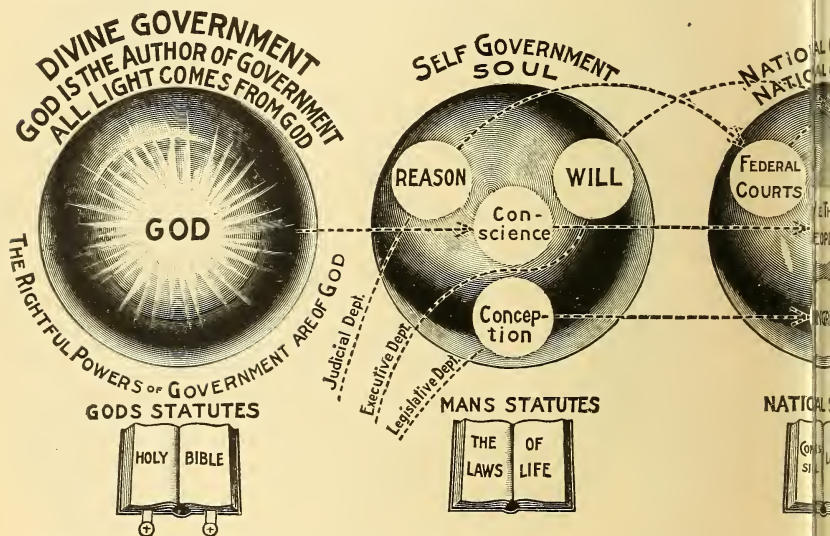
BOWLING GREEN, KY., November 16, 1905.



"The strength is in the men, and in their unity and virtue, not in their standing room. A little group of wise hearts is better than a wilderness of fools, and only that nation gains true territory which gains itself. . . . Remember, no government is ultimately strong, but in proportion to its kindness and justice; and that a nation does not strengthen by merely multiplying and diffusing itself. . . . It multiplies its strength only by increasing as one great family, in perfect fellowship and brotherhood. . . . Make your national conscience clean, and your national eyes will soon be clear."—John Ruskin.

This Chart shows the consecutive order in which each Form of Government the relation and similarity of Divine, Self, National, State, and City Government frequently while he is reading this book, the chart and its explanations

CONSCIENCE introduces man to God and connects the American Republic is a stroke of an artist who is constructing a civic brotherhood. God through the people. Trace the conscience line in the illustration and note



Divine Government.—All rightful powers of government come from God. Book for the consideration of men.

"If we abide with the principles taught in the Bible, our country will go no man can tell how sudden a catastrophe may overwhelm us and bury all

Self Government.—The soul is the real man behind his mask of flesh, center of individual life, and it should keep in touch with God. Conception law-interpreting power of self-government. The book of laws one makes for individuality.

National Government.—The Constitution of the United States is the sum of national government, the President is the law-enforcing, and the Federal Court a government whose form exhibits the image of man. It is a reflection of his representative of the character of its people." The national statutes are enacted by

State Government.—The State Constitution is made in the civic image of the National Constitution, the law-making, the Governor is the law-enforcing, the State Assembly, or Legislature, is the law-making, the Governor is the law-enforcing, the State Constitution was ordained under the authority of the National Constitution. The State and are subject to the sovereignty of the National Constitution. The State

City Government.—The Charter is the Constitution of municipal government, the Mayor the law-enforcing, and the City Court or Courts the law-interpreting, be found to depend upon the character of the body of the people inhabiting the city. The city statutes are enacted by the city government.

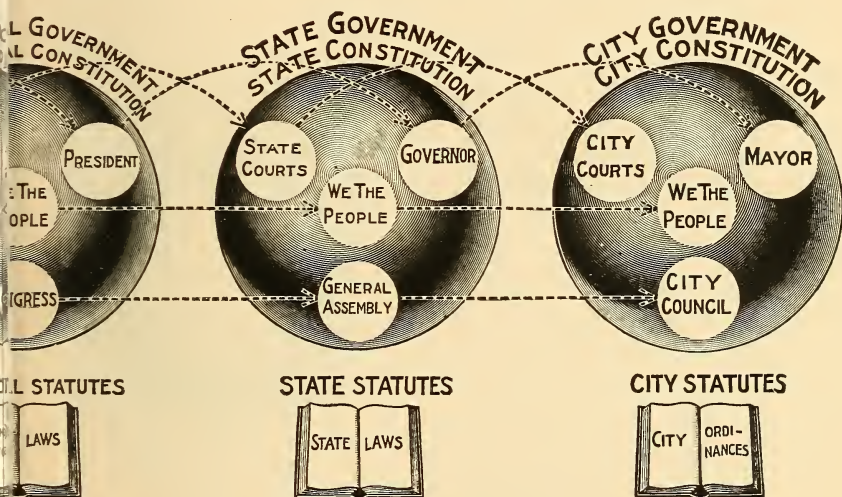
THE THREE

Trace the Legislative, Executive, and Judicial Lines through each City Governments.

HART.

ment is treated in "Our Civic Image and our Governments." It shows also
ments. There are Five Books of Statutes. Before the student reads and
should have thoughtful attention.

public to eternity. Every stroke of conscience in its work of building charac-
speaks to the individual through the conscience and to the government
the relation that exists between God, conscience and the people.



God is the beginning of all government and life. The Holy Bible is the first
prospering, but if we and our posterity neglect its instruction and authority
for glory in profound obscurity."—Webster.

has within it the elements of a complete government. Conscience is in the
the law-making power, Will is the law-enforcing power, and Reason is the
the self or soul government discloses the real man and determines his indi-

the law of the national government. Congress is the law-making power of
are the law-interpreting. The fundamental law of our country establishes
are and a concrete expression of his soul. "The laws of a country are ex-
the national government.

the National Constitution, and is the supreme law of the State. The General
and the State Courts are the law-interpreting power of State government. The
the people of the State. State laws reflect the life of the citizens of the
the statutes are enacted by the State government.

ment. The Council, or the Council and Board of Aldermen, is the law-making
department of city government. The justice of local or municipal laws wi'
the city. As they are it will be. It will be an embodiment of themselves.

DEPARTMENTS.

vision of the Chart, and notice the similarity of Self, National, State and

CHAPTER I.

DIVINE GOVERNMENT.

"Out of the shadows of night
The world rolls into light;
It is daybreak everywhere."



Origin of Government.—"There is no power but of God. The powers that be are ordained of God." The social compact and the elements of government are planted within the human breast by Him. Government is the natural product of the state of man; therefore, government has a divine origin. The corporate people are the State; and the government is the instrument to do the necessary work of human society.

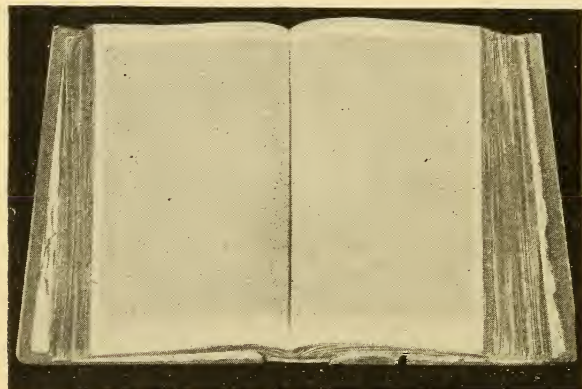
God.—No nation has character and power unless its people are "poor in spirit" and cry aloud to the Incomprehensible, Omnipotent,

All-wise, and Omnipresent God for help, guidance, and wisdom. All we have and all we enjoy come from God. His spirit in the individual conscience is the still small voice which addresses and inspires, which ennobles and enlarges human life and action. God should be exalted and glorified by all governments; in the president's message, constitution, and statute; by legislature, court, and citizen. Allegiance to God and the Bible makes Christians of Americans. Loyalty to the Constitution of the United States makes them patriots. Love of country is shown not so much by Fourth of July celebrations and victories upon battlefields as upon the closeness of the people to God. Thomas Jefferson said in his second

inaugural address, when he accepted the presidency of the United States:

"I shall need, too, the favor of that Being in whose hands we are; who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessities and comforts of life; who has covered our infancy with His providence, and our riper years with His wisdom and power; and to whose goodness I ask you to join with me in supplications, that He will so enlighten the minds of your servants, guide their councils and prosper their measures, that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations,"

God in Nature:—There are many sources of information by which we may study the attributes of Deity and glorify His name. The soul, the Bible, and the great Book of Nature offer



Whitefield's Bible, kept in the Vestry of the "Old South," Newburyport.

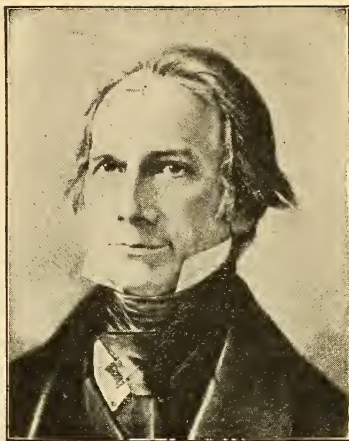
us opportunities to know Him. God is in Nature. Nature appeals to the whole being of man; and, if man is in proper communication with Nature, he hears the voice of God. Teachers and parents have great opportunities to

lead young people to see and to know God in Nature, and they fall short of their duty unless they do a work of this kind. Professor Swing says: "By the time the child is five years old, the world ought to be known to it only as the noble land of God—a vast park made by the Almighty, in whose praises every bird sings a song and every flower flaunts its colored flag. One by one should come to

this little mind the truths of love, justice, and duty."

God's Statutes.—The Bible is God's law. It is His word. It has prompted good government, good laws, and the best literature of the English tongue. It has touched every condition of human life and made righteousness possible to man. It is the mold and standard which statesmen use to make governments, congresses and legislatures to make laws, churches to make Christians, authors to make the best literature, and the people to make patriots. Paul said: "All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness."

The Moral Law.—Man's duty to his fellowmen and to his God is prescribed by the Moral Law. This law is set forth in the Ten Commandments. It commands us, with other things, to love God with all our heart and to love our neighbor as ourselves. The law of nature, which emanates from the perfect conscience, is the same as the moral law. The government which most nearly conforms to the moral law is the most perfect form of government. The Christian theory of life is the bed-rock of our republic. The citizen



Henry Clay.

THE BIBLE.

Henry Clay, in one of his famous addresses, spoke of God and patriotism in the following language. "That patriotism which, catching its inspirations from the immortal God, and leaving at an immeasurable distance all lesser, grovelling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, to death itself—that is public virtue. That is the noblest and sublimest of all public virtues."

Patrick Henry, in one of his addresses, used the following words. "Children, if I could will you the religion of the Bible, it would make you all rich; but, if I could will you the whole world without it, you would still be poor."

John Quincy Adams said: "So great is my veneration for the Bible that the earlier my children begin to read it the more confident will be my hopes that they will prove useful citizens to their country, and respectable members of society."

Dr. J. G. Holland wrote: "When the people of France pulled down both God and the Church, and set up Reason in their place, all the infernal elements of human nature held their brief high carnival. That one brief experiment should be enough for a thousand worlds, through countless years."

who is building his personal character after the model of Christ is constructing in its broadest and highest meaning an American patriot. Mr. John Bright wrote: "I believe there is no permanent greatness to a nation except it be based upon morality. I do not care for military greatness or military renown. I care for the condition of the people among whom I live. . . . Crowns, coronets, mitres, military display, the pomp of war, wide colonies, and a huge empire are, in my view, all trifles, light as air, and not worth considering, unless with them you can have a fair share of comfort, contentment, and happiness among the great body of the people. Palaces, baronial castles, great halls, stately mansions, do not make a nation. The nation in every country dwells in the cottage; and unless the light of your Constitution can shine there, unless the beauty of your legislation and the excellence of your statesmanship are impressed there on the feelings and conditions of the people, rely upon it you have yet to learn the duties of government. . . . May I ask you, then, to believe, as I do most devoutly believe, that the moral law was not written for men alone in their individual character, but that it was written as well for nations, and for nations great as this of which we are citizens? If nations reject and deride that moral law, there is a penalty which will inevitably follow. . . . We have experience, we have beacons, we have landmarks enough. We know what the past has cost us, we know how much and how far we have wandered, but we are not left without a guide. . . . We have the unchangeable and eternal principles of the moral law to guide us, and only so far as we walk by that guidance can we be permanently a great nation, or our people a happy people."

A Christian Nation.—It is true that this is not a Christian nation in the sense of any definite legal enactment by the people declaring it in sympathy with any established church, or by naming any certain creed or doctrine as its belief. But it is Christian in the sense that it is founded upon the principles taught by the Founder of all true religion. Its

Constitution, laws, purpose, and policy accord with principles set forth by the Great Teacher.

Besides, it has historically developed along these lines. The Mayflower Compact recited that its colonial standard was "for the glory of God and for the advancement of the Christian faith." The Fundamental Orders of Connecticut recited that they were established "to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus, which we now profess." The majority of our State Constitutions, together with the written declarations of personal rights emanating from the hundreds of patriotic associations and conventions held prior to the ordaining of the Constitution, recognized God, and declared that all that was done was for His glory. The noble patriots who led in the establishment of our government never failed to ask His guidance in their efforts to perform the duties of any public office or trust imposed upon them. Washington, and all the patriots whose illustrious names sanctify American history, asked God's direction in the conventions of independence and upon battlefields.

Christianity is the corner-stone of our government. Its principles permeate every part of our national life. We have no established church; we make no special recognition of any denomination or religion; but we do recognize Christ's idea of the sovereignty of the soul and the freedom of individual conscience. All this seems to be a sufficient warrant for calling this country a Christian nation. Our government enforces no religion; it makes no religious demands; but the heart of the nation has recognized Christianity from the beginning of independence down to the present day. "Vindicating the right of individuality even in religion, and in religion above all, the new nation dares to set the example of accepting, in its relations to God, the principle first divinely ordained in Judea. It left the management of temporal things to the temporal power; but the American Constitution, in harmony with the people of the several States, withheld from the federal government the power to invade the home of reason, the citadel

of conscience, the sanctuary of the soul; and not from indifference, but that the infinite spirit of eternal truth might move in its freedom and purity and power."

SUGGESTIVE QUESTIONS.

Define divine government.

Who is the author of government?

Give the origin of government.

What is the State?

Do the principles of the American government exalt God?

Is this necessary? Why?

Name and explain some of the sources through which we may study Deity.

What benefits may be derived from the study of Nature?

What value is the Bible to the republic?

What is the Moral Law?

Is the United States a Christian nation?

Name a few of the principles of civil government that harmonize with the principles laid down by Christ.

What relation exists between the Church and the State?

QUESTION FOR DEBATE.

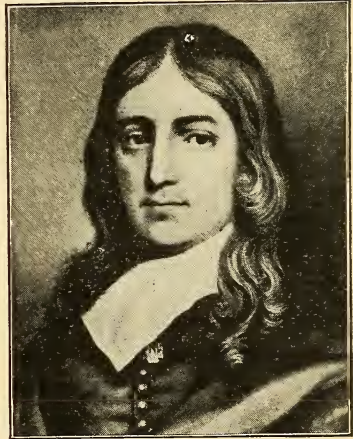
Resolved, That the citizen who does not believe in the existence of God can not be a consistent patriot of the United States government.

CHAPTER II.

SELF-GOVERNMENT.

"Real glory springs from the conquest of ourselves, and without that the conqueror is naught but the veriest slave."

The greatest battles fought and victories won were not witnessed by armies of men on the battlefield, nor are they recorded on the pages of history; but they were fought and won by man in his struggles for supremacy in self-control. The greatest foes we have to meet and conquer are within us, and they must be subdued by our efforts to secure this highest attribute of manhood. Every man who is disciplining himself and building a symmetrically developed, rounded, self-controlled character with creative power and individuality is prosecuting a relentless warfare in the soul's world. Not every man who lives under a free government is a freeman. A person may be a citizen of the United States, and, at the same time, a slave chained and oppressed by his own appetites. Liberty is allegiance to God and the law that enlarges and broadens human life. A country is free when its laws make every citizen a sovereign being possessing the elements of self-



John Milton.

John Milton, the lofty thinker and poet, in speaking of the personal freedom of man, said: "Real and substantial freedom proceeds from within and not from without, and depends not upon the terror of the sword, but on sobriety of conduct and integrity of life. Such liberty is the fruit of justice, of temperance and unadulterated virtue, and can not be taken away by treachery or intimidation. Unless the horizon of the mind is cleared of the mist of superstition which arises from ignorance, you will always have those who will bend your necks to the yoke as if you were brutes; who will put you up to the highest bidder as if you were booty made in war, and will find an exuberant source of wealth in your ignorance and superstition. You, therefore, who wish to be free, cease to be fools, and learn to be wise."

government, and offer him a chance to do his best and to develop his highest possibilities.

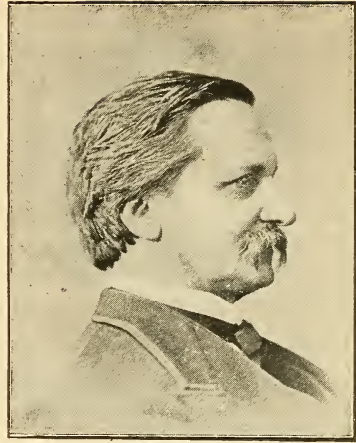
In God's Image.—"God created man in His own image; in the image of God created He him." God, in endowing man with a soul, gave each of His children the power of self-direction. If man remembers constantly that he reflects the image of God, it creates within him a higher self-respect and estimate of his own capacity, and it causes him to take a deeper interest in his work. A great man never forgets that he was created great, and he never loses an opportunity to put the largeness of his own nobility and creation into his daily thought and chosen work. "When I consider Thy heavens, the work of Thy fingers, the moon and the stars, which Thou hast ordained, what is man, that Thou art mindful of him? and the son of man, that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honour. Thou madest him to have dominion over the works of Thy hands; Thou hast put all things under his feet—all sheep and oxen, yea, and the beasts of the field, the fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas. O, Lord, our Lord, how excellent is Thy name in all the earth."

The Soul is the seat of character and the beginning of government. It is the supreme law of self-government. A great man and a true patriot are governed spirits. Every great deed begins in the soul. Man first rules his spirit, and then he achieves. Character and patriotism can not be bestowed upon man, but they must be achieved by him through soul-government. A noble and useful life depends on the investment of our talents. The theory upon which a republic is built takes into consideration mind-



investment and makes the righteous man the natural aristocrat of a republic. When our forefathers called a court, consisting of God and conscience, and presented the nobility of man, the tyrants who ruled the people without their consent were stripped of their artificial authority, and human liberty was given an asylum in which to dwell. Plutocracy and caste vanished, and the civic brotherhood of man was established.

The Road to Power.—The soul is the government's richest asset. Great men are made from the energy of the soul, and great governments and just laws spring from noble men. The road that leads to power runs through the mind, the heart, and the body of the child. All governmental leaks begin in the soul. Every low ideal, selfish thought, defective judgment, and unstable will of the human mind is a leak. Every mind that is enslaved by the appetites, that moves in disorder, and that thinks inaccurately is an expense and a cause of friction in the machinery of government. The making of a strong selfhood and an unselfish citizen depends upon the nature of the laws or concepts enacted in the soul, and a wise government will



Edward Everett.

Mr. Edward Everett, in speaking of the soul, said:

"What! Feed a child's body, and let his soul hunger; pamper his limbs, and starve his faculties?"

"What! Plant the earth, cover a thousand hills with your droves of cattle, pursue the fish to their hiding-place in the sea, and spread out your wheat fields across the plain, in order to supply the wants of that body, which will soon be as poor and senseless as the poorest clod, and let the pure, spiritual essence within you, with all its glorious capacities for improvement, languish and pine?"

"What! Build factories, turn in rivers upon the waterwheels, unchain the imprisoned spirits of steam, to weave a garment for the body, and let the soul remain unadorned and naked?"

"What! Send out your vessels to the farthest ocean, and make battle with the monsters of the deep, in order to obtain the means of lighting up your dwellings and workshops, and prolonging the hours of labor for the meat that perisheth, and permit that vital spark, which God has kindled, which he has intrusted to our care to be fanned into a bright and heavenly flame—permit it, I say, to languish and go out?"

employ the economy offered through a complete training and development of the citizen. The dollar appropriated and used in the interest of a righteous citizenship is an investment that closes governmental leaks and increases spiritual power and material wealth in the government of the people. Education in its broadest meaning is the oculist; the soul is the eye; and any government that fails to employ the oculist invites blindness and ruin. "Books, schools, education, are the scaffolding, by the means of which God builds up the human soul." The bulwark of American liberty is spiritual thought. The government's richest gold mine is the human mind.

Governmental Repressiveness.—A good government seeks to govern less by aiding the citizen to govern himself more. If men would only cease to build prisons within themselves, governments would be less repressive, and we should have but little if any use for jails, penitentiaries, and criminal statutes. But as long as men fail to rule themselves we must have laws to repress crime and prisons for criminals. As we control ourselves and advance toward a higher civilization, public schools, colleges, universities, churches, libraries, and other character-making institutions will grow more numerous and their work will become more effective. At the same time saloons, jails, penitentiaries, and criminals will diminish in number, and much of the money that is now used to repress the undisciplined spirit of men will be invested for a symmetrical and universal education of the citizen. The reader must not conclude, however, that government and law are for the good only. They are for both good and bad men. If all the people who constitute the government were noble men, we would still need a government through which to administer the general welfare.

Conscience.—The reader will observe from the illustration on the next page that conscience is represented in the center of the individual life.

This conscience, this moral sense, if properly used, and if the right standard has been placed before it, defines our duty and becomes a compass and a guide to a noble and useful life.

"Conscience guides me; but what guides conscience is now the inquiry. It will be seen that as the Ego is not a system or a principle but a personality, so that which should rule conscience must not be abstractions or systems, but a personality—God." "There is a God above the soul."

Our conscience is an accurate register of our moral nature and worth. What is true with the individual is true with the nation. When we weigh the aggregate conscience of all the people composing our nation, we determine the moral value and power of our government. A man without an educated moral conscience, a nation without a civic moral conscience, will perish. Make the individual life moral and strong, and you enrich national life. Arouse the dormant, quicken the sluggish, sharpen the blunted, and "resurrect" the dead conscience of the individual citizen, and you build character and enlarge our national existence.

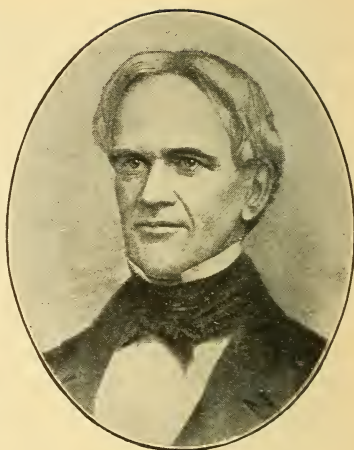
Conscience Our Anchor.—Conscience is our national anchor that holds us close to God and the right. The voice, "I ought," which cries aloud in the cultivated soul, is a national asset, and upon it rests the future perpetuity of our government. When the President writes his message and performs other executive duties, when Congresses and General Assemblies convene to enact laws, when judges render decisions, when jurors write verdicts, when the officer accepts the public trust, when the citizen casts his ballot, when the minister holds up the perfect life, when the teacher instructs the class, when the blacksmith hammers out the horseshoe, or whatever we do in life, however humble, each of us should hear the still, small voice, "I ought," prompting us to do our duty and give to our country a well-done work and an honest service.



Conscience and Social Problems.—What we shall do with the questions that relate to capital and labor and all other matters that concern the welfare of society must be solved by a quickened conscience of a righteous citizenship. Lowell evidently considered the voice of conscience a leading factor in the solution of all problems. He said: "Our healing is not in the storm nor in the whirlwind. It is not in monarchies nor aristocracies. But it will be revealed by the still, small voice that speaks to our conscience and heart, prompting us to wider and wiser humanity."

Universal Peace and Conscience.—The champion of universal fellowship and justice is the voice of the conscience that speaks from the hearts of the people of the world. Armies and navies will be needed in securing the highest civilization until each government establishes its authority upon nature's law and offers its subjects an opportunity to develop the highest culture and self-control. They will be needed until a world's conscience pro-

claims the establishment of personal liberty and the reign of peace in the individual lives of all the people of the world. The natural universal Peace Congress is composed of all the people of the earth, and its power to secure tranquillity depends upon the moral and intellectual wealth of each member composing



Horace Mann.

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Horace Mann, statesman, teacher, and educational reformer, gave us the following words concerning the music of an enlightened conscience. Read them carefully, for they tell you how men fail to "behold the splendors of eternity."

"Every instance of violated conscience, like every broken string in a harp, will limit the compass of its music and mar its harmonies forever. Tremble, then, and forbear, O man! when thou wouldst forget the dignity of thy nature and the immortal glories of thy destiny; for if thou dost cast down thine eyes to look with complacency upon the tempter, or bend thine ears to listen to his seductions, thou dost doom thyself to move forever and ever through inferior spheres of being; thou dost wound and dim the very organ with which alone thou canst behold the splendors of eternity."

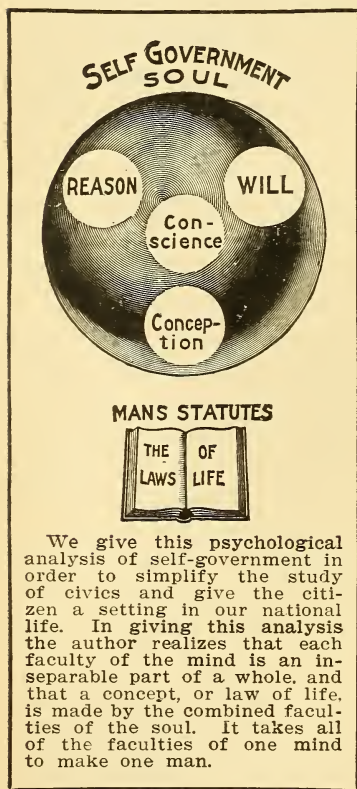
it. This being true, it follows that universal peace can never be secured except through the development of the individual. Every government and law that broadens human life, every church and school that aids the citizen in securing an education and a Christian character, every philanthropist that contributes to the education of the child, every good book, magazine, and paper, and all other character-making institutions and influences are the real arbitrators, the real Peace Congress that will some day lead us to a universal tranquillity and to the establishment of a universal brotherhood. The roots of universal peace run deep in every human heart.

Conscience, Political Parties and Conventions, and Patriotism.—The citizen who turns a traitor to his soul government and banishes God from his life when brought under the testing discipline of his own conscience is not a patriot. The demagogue who would steal the sacred ballot of the people in the name of patriotism should understand that he is neither more nor less than a thief who seeks to destroy the foundation of our civil fabric. The political trickster who pays no tribute to individual and national conscience and to the expressed wishes of the people when he manipulates political parties, conventions, and committees, is a perpetual menace to our body politic. He is neither a patriot nor, in its broadest meaning, an American. The greatest danger that threatens our republic is a double standard of conduct in private and in public life.

Our Civic Image.—What manner of government is our republic? At a time when the people were oppressed by unjust laws and were not allowed to exercise their natural rights, the nature of man taught them that: "All men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is

the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." Following this guiding principle, our fathers ordained the Constitution

of the United States in the name of the people. They rightfully decided that the laws which oppressed and enslaved them were not from God and were not intended for freemen. They exalted the nobility of each citizen by demanding a government based upon the laws of nature and the abolition of unjust laws arising out of the desires of a self-enslaved king. They resolved in their hearts, they enacted laws in their lives, and the American Constitution was born. In writing the Constitution, the supreme law of the land which was to govern the people, they gave us the plan of a government found in the human soul, for we have in the individual a picture of the American government. It now seems that man was made in the image of God, and our government in the image of man.



Three Departments of Soul Government.—God made man a sovereign and created a republic when he ordered a soul to enter and to reign in the human body. The beginning of our republic is in the nature of man. In fact, the soul is a republic with a law-making, a law-enforcing, and a law-interpreting power. We find in it a reflection of the three

departments of our civil government. We give and explain below these three divisions of soul government:

1. Conception, The Law-making;
2. Will, The Law-enforcing;
3. Reason, The Law-interpreting.

Conception, or the Law-making Department.—Ideas, notions, opinions, images, beliefs, and other sources of law and life have their origin in conception, or the law-introducing power of the mind. It is here we find the beginning of an impression, the forming of an opinion, the making of an observation, the working out of a plan, and the reaching of a rational belief. It is here we find the beginning of all mental and civil laws. The active principle in the soul, exerting its faculties to the utmost stretch, offers numberless opportunities to build the soul and live a life richly laden with original investigation and thought. Conception, the congress of the mind, gathers its information from millions of sensations that offer suggestions in the making of grand and original ideas. These sensations are submitted to other faculties of the mind for their action and consideration. The laws of our lives are transcripts of the world, and our civil laws are transcripts of our lives. Americanism demands that each of us be a good law-maker in the congress of the soul.

Will, or the Law-executing Department.—Conception is the solicitor for the will, and submits its work to the executive for his action. The will is the executive of the mind and has the power to accept or reject the conclusions reached by the reason and the concepts formed in conception and to veto the action taken.

"The star of the unconquered will,
He rises in my breast,
Serene, and resolute, and still,
And calm and self-possessed."

Reason, or the Law-interpreting Department.—Reason looks over the products of the soul and determines the just grounds and authority for an action taken. It looks at the motive and weighs the action. It sets forth arguments in its

support or for its repeal from the statute-book of that individual life.

"Within the brain's small secret cells,
A certain lord chief justice dwells,
A sovereign power, whom one and all
With common voice we Reason call."

Man's Statutes.—Every man is ceaselessly writing a book of statutes of some nature. Each of us will close the last chapter and write the last law when the soul flies away from its capitol of flesh, blood, and bone—the seat of its government. This book of statutes, the archives of a soul government, is not locked away in iron vaults, but it is written on the tablets of human hearts and reflected in the civil laws of our country. Individuality should be written upon every page of our book of statutes; our personality should speak in the laws of the land.

SUGGESTIVE QUESTIONS

Why should we try to secure supremacy of self-control?
What is the difference between self-control and patriotism?
Define liberty.
Define freedom.
Can freedom be bestowed upon us?
What is the supreme law of self-government?
What is your State's greatest asset?
Has this asset been properly invested?
Why is it important to remember the nobility of our creation?
What estimate do you put upon the value of one soul to a republic?
Where does every great deed and government begin? Explain.
Where is the beginning of all friction in our government?
Why is it necessary to have a repressive government?
What is the value of education to a republic?
What is the value of a civic conscience?
What would you consider the bulwark of American liberty?
What must be accomplished before universal peace can reign in the world?
What is said about our civic image?
Name the three divisions of soul government, and tell about each.
How do mental laws affect the making of civil laws?
Where do civil laws begin?
What should man's statutes contain?

QUESTION FOR DEBATE

Resolved, That the dangers that threaten our republic come from within and not from without.

CHAPTER III.

FUNDAMENTAL ELEMENTS OF A LOFTY CHARACTER, AND GOOD CITIZENSHIP.—THE LAWS, OR CONCEPTS, OF LIFE.

"God makes capacity; man makes a character. You can not dream yourself into a character; you must forge one."

We have seen that man has within himself a complete government, and that he alone is responsible for its proper administration. Sovereign man is the people, standing committee, lobbyist, congress, president, and judiciary of his soul-government, and he is unlimited and unrestricted in his power to make laws for self-discipline. The man who makes and executes laws for the proper government of self will succeed and be an honored citizen and a blessing to his country. The man who makes bad laws for the government of self lives in anarchy and is certain to fail in his work and close his life in a tragedy. In this chapter are given the leading elements in the character of one of the greatest men known in American history. General Robert E. Lee observed such rules for his conduct as would develop the whole man and make him a useful citizen. He had

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| 1. Will, | 9. Knowledge and Wisdom, |
| 2. Lofty Ideals, | 10. Enthusiasm, |
| 3. Humility, | 11. Industry, |
| 4. Love, | 12. Honesty, |
| 5. Hope, | 13. Unselfishness, |
| 6. Faith. | 14. Common Sense, |
| 7. Sympathy, | 15. Originality, |
| 8. Purpose, | 16. Sound Body, and the |
| 17. Conscience | |

of a Christian statesman and patriot.

Will.—A man of strong character has a deep conviction and an invincible determination to accomplish some noble work in life. Indecision belongs to faint hearts, to little men, and not to resolute, determined men who live and work with a purpose. The aimless and shiftless life that has no direction

to it can never command the respect of a people or accomplish an important achievement. Men have spent years in trying to decide what could have been done in one year. We should cultivate the power of decision and concentration in whatever we attempt to do.

Lofty Ideals.—A lofty ideal travels ahead of a successful life. Growth and construction are seen following in its track. No man ever gained nobility of character and success in achievement except by an earnest effort to reach his ideal. If the ideal of the individual is low or base, the character will be weak and unreliable. Your future life depends largely upon your present ideal. Let us hope that your ideal is a symmetrically developed citizen, an honor to God and your country. A government without an ideal will perish. A good government builds for eternity. It tries to reach a more perfect life and love. America's ideal is a country with a completed representative democracy, composed of citizens large enough and patriotic enough to control themselves and vote for the welfare of all the people.

Humility.—The soul must be a receptive, teachable spirit before it can receive and grow. A self-sufficient egotist is not likely to know the truth. The spirit of meekness must characterize every great work. Great men are poor in spirit; small men are usually conceited bigots.

"Blessed are the poor in spirit."

Love.—Love is that deep affection of the heart that makes our lives unselfish. It leads us into humility, sympathy, faith, and to the planning and executing of a holy work. This irresistible passion of the heart is the salt of individual character. It is the sunshine, inspiration, and glory of man. The roots of all noble impulses and achievements run deep in the fountains of eternal love. "Love is our highest word, and the synonym of God. Every promise of the soul has innumerable fulfillments; each of its joys ripens into a new want."

Hope.—The healthy, growing life emanates from a soul that has in it a restlessness and "divine discontent" with its

own condition and progress. Without hope to get ahead and show the soul new pictures, life would become routine and a drudgery. No element that goes into the making of man offers more encouragement than hope.

Faith.—The man without faith in God is dead at heart and without the first element of wisdom. We should not only have faith in God, but should have faith in ourselves, for we have soul-powers that are irresistible and capable of handling large things. No man has impressed his life upon the world and accomplished a creditable undertaking unless he believed in himself and had confidence in his own ability. Faith inspires confidence and turns mountains into mole-hills. It requires faith to do well any task we undertake. It takes faith to be a good marble-player, marksman, woodchopper, teacher, preacher, lawyer, doctor, farmer, etc., and the man without it is already doomed to failure. Faith will direct the course of the marble, sink the axe deeper, steady the gun, drive the lesson into the soul of the class, send the sermon to the heart of the congregation, convince the jury, cheer the sick, and make better farmers and farms. How often have we had that delightful, exhilarating, uplifting feeling—the result of a confidence of soul. This knowledge told us that we would not fail in a certain work we were doing. We need faith behind governments, sermons, lessons, and all things.

Sympathy.—Sympathy comes from love, which is the fountain of the righteous life. There is no element of character that offers more comfort and encouragement than sympathy. It makes it possible for us to hear the beat of the great human heart and to come in direct communication with the toiling masses of the world. A co-operative and sympathetic spirit should characterize all of our labor.

Purpose.—A great mind is coupled to a great purpose. A shiftless and unstable life is always unreliable and without character, attainment, or success. The world admires the man who has conviction and purpose. It will help him to develop a strong individuality and reach his ideal. Boys and girls

should resolve to secure a good education, and, as soon as they are old enough and have sufficient knowledge, they should choose an honorable life's work.

"Life is an arrow, therefore you must know
What mark to aim at, how to bend the bow,
Then draw it to its head, and let it go."

Knowledge and Wisdom.—

The man who has developed his spirit under the guidance of God and has made himself a symmetrical life that is capable of thought and the execution of thought, has knowledge and wisdom. An educated mind, giving orders in the world of self, and then, with its own God-given power, executing with dispatch its own plans and commands, is the grandest experience of man. Thinking and doing go together and characterize great lives; but these can come only by rigid discipline of self, for which time is required to give the soul its natural power and growth.

THOUGHT.

Herbert Spencer said: "To the mass of people nothing is so costly as thought. The fact that, taking the world over, ninety-nine people out of a hundred accept the creed to which they were born, exemplifies their mental attitude towards things at large. Nearly all of them pursue mechanically the routine to which they have been accustomed, and are not only blind to its defects, but will not recognize them as defects when they are pointed out."

"Happy is the man that findeth wisdom,
And the man that getteth understanding;
For the merchandise of it is better than the merchandise of silver,
And the gain thereof, than fine gold.
She is more precious than rubies;
And all things I can desire
Are not to be compared unto her."

Enthusiasm.—Enthusiasm is the fire that blazes in every successful life. Energy is the very law of our being, and enthusiasm is the expression of an energizing, feeling, observing, and working self. It is the most contagious element of character. Some one has said: "All things being equal, the degree of enthusiasm in every man is an accurate measurement of the aggressive and conquering power of the human soul." Enthusiasm does not ask for attention; it has attention. It not only sends truth in the direction of the individual

conscience, but it drives it into the conscience. It not only convicts, but it converts. Enthusiasm coupled with truth makes a whole workman in the building of character.

Industry.—Work is the law of God, and idleness is sinful. There is the same close connection between industry and virtue as there is between idleness and vice. An industrious people are virtuous, and in every country the unemployed are the most dangerous class. Industry employs time rationally, and thus it lessens both the temptation and the opportunity to commit vices common to idleness. Indeed, industry is the law of development and progress, and there is little acquisition of knowledge or expansion of intellectual and moral powers of the soul without it.

“Go to the ant, thou sluggard, consider her ways and be wise,
Which, having no guide, overseer, or ruler provideth her meat in
the summer and gathereth her food in the harvest.”

Honesty.—A man who has good health and is honest, has capital. The world is looking for honest men who have given themselves a good education and feel the responsibility of life. We should be intensely honest in all we do, and should remember that our conduct in the management of the little details and small questions, as well as the larger ones, connected with life will determine what we shall be in the future. Indeed, the young man who has made the reputation of being intensely honest has a good capital with which to begin life, even if he does not have a dollar. We can make no better business investment than to be honest in all our dealings; but, of course, a man should be honest because it is right, for he owes it to his God, himself, and his country. The lives of all great men have been characterized by honesty.

“This above all—to thine own self be true;
And it shall follow, as the night the day,
Thou canst not then be false to any man.”

—Shakespeare.

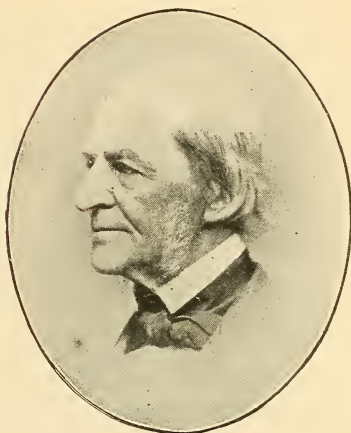
Unselfishness.—Selfish men are likely to be influenced by evil and debasing influences. Selfishness often prevents men from learning the truth and from accepting great principles. It

often leads to injustice, falsehoods, and—when intense—to persecution. Opinions founded upon prejudice, whether religious or political, are only sustained by the greatest intolerance. This is the origin of sectarian ambition and strife, which “gathereth men into separate hostile bands” in the Church and State, each around his own banner. The bloodhounds of passion are often turned loose, and every kind feeling is exterminated. Every principle of the religion of heaven is flagrantly violated, and men, while professing goodness, show themselves by their temper and conduct to be the slaves of passion.

Selfishness impairs the mental faculties, injures the understanding, perverts the judgment, and thus prevents us from seeing men, things, and questions just as they are. It is our duty to give expansion and liberality to national life by broadening our individual lives. We should strive to live out of self, and have a heart large enough to contain others besides ourselves. Unselfishness is one of the noblest traits of character.

Common Sense.—Common sense, or tact, is a grand element of character. God gave man a mind, and He expected him to use it in studying mind as well as other problems. No one can hope to be a successful professional or business man unless he is a student of human nature. Thousands of men are failing for the want of tact, practical sense, and wisdom. Too many men have the power to give a theoretical solution of a proposition, but lack the power to make a practical application of their own theories. They are often designated “impractical,” “peculiar,” “incompetent,” because they have not studied men and the every-day questions of life, and are wanting common sense. The man who knows where the handle is that will move a thing is fortunate, and the man who is able to take hold of the handle that will move the people is not likely to fail in any enterprise he undertakes. No man can locate this handle unless he is a faithful student of human nature.

Originality.—Imitators have fictitious lives, and are mere mechanical talking-machines, speaking like a phonograph the thoughts, the words, the ideas of another. Poems must be written, great lessons taught, searching sermons preached, and other great achievements accomplished by the exercise of the faculties of the mind, and man only has the power to operate his own faculties. It is the soul behind the poem, lesson, sermon, enterprise, government, that makes them great. The world is full of people who are trying to be somebody else than themselves. The great man who we are to be is in us; he is our nature, our real self, and not an artificial self. Trying to be like Henry Clay will not make us orators. If we expect to be an orator, he must be brought out of ourselves, and he will have his own personality, and this personality will not be Clay's personality or the personality of any other man dead or alive. Utilizing completely the mind with its creative resources, and being one's own self constitute greatness. Some one has said: "What the superior man seeks is in himself; what the small man seeks is in others." The future of our government depends upon a multiplicity of selfhoods with distinct individualities and a supremacy in individual thought.



Mr. Emerson.

Mr. Emerson, the eminent author whose writing has done so much for the edification of man, gave us the following lines:

"Let us affront and reprimand the smooth mediocrity and squalid contentment of the times, and hurl in the face of custom and trade and office the fact which is the upshot of all history that there is a great responsible Thinker and Actor moving wherever moves a man; that a true man belongs to no other time or place, but is the center of things. Where he is, there is nature. He measures you and all men and all events. You are constrained to accept his standard. Ordinarily everybody in society reminds us of somewhat else or of some other person. Character, reality, reminds you of nothing else. It takes place on the whole creation. The man must be so much that he must make all circumstances indifferent—put all means into the shade. This all great men are and do."

Sound Body.—There is a spirit in every human body, and it is our duty to keep its home in a healthy condition, for if this is not done, its work will be obstructed and its capacity lessened by a malarial condition which will exist in the soul's house. Violations of Nature's physical laws will bring disease and pain to our bodies and obstruct the work of the soul. True education is the development of the intellectual, spiritual, and physical powers of man. We should observe such hygienic and physiological laws as will give us good health. Carlisle, in addressing a body of students, said: "Finally, I have one advice, which is of very great importance. You are to consider that health is a thing to be attended to continually and is the very highest of temporal things. There is no kind of achievement equal to it. What to it are nuggets of millions?"

Conscience.—Enacting good soul-laws educates the conscience and cultivates the mind. Every stroke made by the human mind in constructing its character is one stroke in the building of its conscience. Every noble effort sharpens the conscience and intensifies life, but every self-indulgent act dulls the conscience and deadens the impulse of the soul.

SUGGESTIVE QUESTIONS.

Is man limited by man in his power to make laws for the government of self?

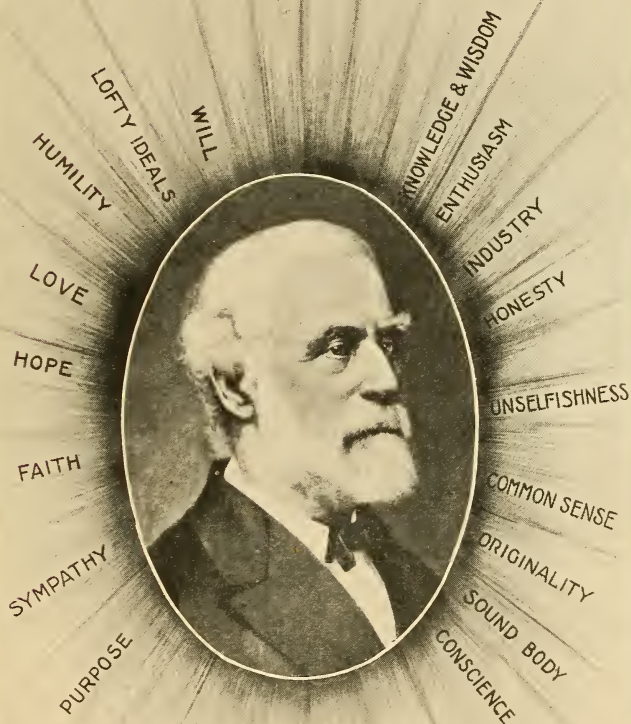
What must be done and how long does it take to invest a soul?

Name and explain each of the attributes of a noble manhood.

QUESTION FOR DEBATE.

Resolved, That the perpetuity of an absolute monarchy depends upon an ignorant citizenship.

The American Republic was built upon the idea of a universal human expression. Christian character is the energy that expresses an unadulterated American patriotism. Gen. Robert E. Lee exalted his government and added to its statue, by making out of his spirit one of the most perfect characters known in American History. The guide that pointed the way for him was a conscience that heard and obeyed a voice from Eternity.



CHRISTIAN , PATRIOT , STATESMAN

CHAPTER IV.

HUMAN AND CIVIC GROWTHS. THE USE OF TALENTS.

Growth.—Human growth is an organic energy. This energy is nature, and it manifests itself in different ways. The soul contains the divine seed that will produce in us and our government the image of our Creator, provided there has been a fulfillment of those habits upon which human growth is conditioned. Some idea about how growth may be stimulated or stunted and impaired is given in this book, but the process of growth itself is recognized as beyond the control and comprehension of man. The most we can do is to cultivate the soil containing the seed of a divine image, but we cannot, through an act of the human will or by a creation of a human idea, force growth. We must simply let the divine seed germinate and the image of the perfect life grow in us. We may condition growth upon laws of life enacted in the mind, but we can not add one cubit to our stature. Growth is the work of nature. It is no business of ours. The wise man, therefore, concerns himself about giving his mind the environment necessary to growth, and he loses no energy in ascertaining whether he is growing. We can not force rain in the domain of the mind, but we may receive the shower. "The wind bloweth where it listeth, and thou hearest the sound thereof, but canst not tell whence it cometh, or whither it goeth; so is such a one that is born of the Spirit." Freedom and patriotism depend upon the hearing of the eternal winds. Every spiritual windstorm that sweeps through the human soul adds to our civic stature. If our republic is a Christian organism, the highest patriotism is not a manufactured conduct specifically made to order after man's copy, but it is a life that abides in the Great Teacher. It is a patriotism whose functions resist death and whose work invests talents.

The Governed and the Ungoverned Spirit.—One man enacts good laws for the government of self and abides in a stately character, while another of equal opportunity and

native ability lives a vacillating, aimless life in a dingy hovel. One enjoys soul tranquillity, while the other dwells in ruins, confusion, and anarchy. On the battlefields in the soul's world there is a victor over self who is receiving the benediction of his God and the approval of his conscience, or there is a deserter from the ranks of self-discipline who is receiving condemnation due an unrighteous and misspent life. Which are you?

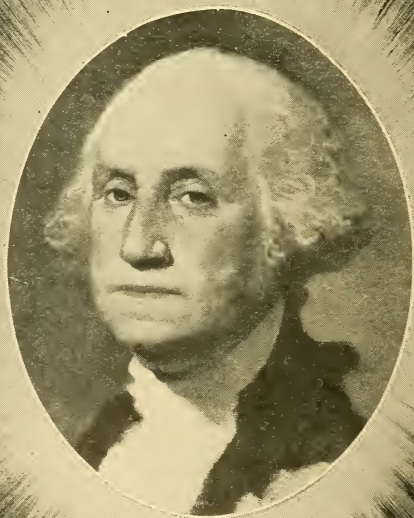
"Salute thyself, see what thy soul doth wear;
Dare to look at thy chest, for 'tis thine own."

General George Washington.—The greatest achievements of General George Washington occurred in the perpetual congresses of his soul assembled behind the curtains of his gigantic presence, where God and he were alone. When we study the laws and lives of our great men, and turn to the pages of political history, we find that what they gave their country was in their inner lives. Washington gave to his country a great work because he was a great soul. "Great men stand like solitary towers in the city of God, and secret passages running deep beneath external nature give their thoughts intercourse with higher intelligencies, which strengthens and consoles them, and of which the laborers on the surface do not even dream." The grandest sight we can ever hope to witness on earth is to see a man by the exercise and use of his powers enacting concepts in his soul—each one a stroke, a consecrated effort, in the making of a righteous life.

The Ungoverned Spirit.—The picture of the dissipated character on page 43 was taken from an actual photograph of a man who is at this time a citizen of the American republic. His life is an uncontrolled, misguided energy, constituting a part of the organism of the republic to which we belong. Government detectives are on his tracks and he is a fugitive running from justice, because he violated the higher law of his being and the civil law of his country. The eternal God endowed this man with the material and the implements

PATRIOTISM.

GOD GAVE HIM A SOUL AND A FREE GOVERNMENT. HE EN-
ACTED GOOD LAWS FOR THE GOVERNMENT OF SELF. HE DWELT
IN A PALACE OF CHARACTER AND SERVED HIS COUNTRY NOBLY.
HE GAVE TO HIS COUNTRY A CHRISTIAN PATRIOT AND STATESMAN.



THE GOVERNED SPIRIT

ANARCHY.

GOD GAVE HIM A SOUL AND A FREE GOVERNMENT. HE EN-
ACTED BAD LAWS FOR THE GOVERNMENT OF SELF. HE DWELT
IN A HOVEL, AND LIVED AMID MORAL, INTELLECTUAL, PHYSICAL
AND MATERIAL RUIN.

HE GAVE TO HIS COUNTRY A CASTAWAY.



THE UNGOVERNED SPIRIT

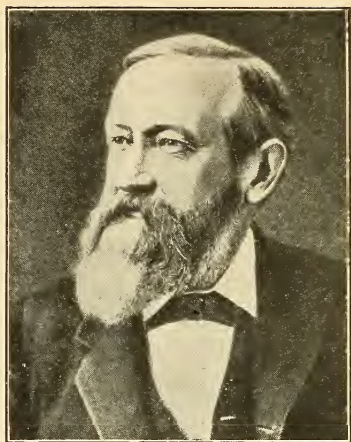
necessary to make a useful citizen, but he neglected the voice of conscience and instead of producing a freeman to rule his being, and a patriot to rule his country, he crowned a slave, imprisoned behind the bars of a compromised soul. He was born with a perfect body, with a fine mind, and had every opportunity, but he is now closing his sad career in a tragedy that is being played behind the curtains of his soul. He has slain purity, honor, ideals, and other attributes of noble manhood and patriotism. But the voice of conscience still whispers to him and tells him of his condition. It admonishes him to abolish the book of laws he has enacted and to substitute good ones, and thereby bring order, light, and government out of chaos, darkness, and anarchy. The nobility of his creation rises before him, and he remembers that he was made in the likeness of God that he might be a man. But, alas, he has become a castaway—a wandering, ungoverned spirit. What is more pathetic than to see a person with a bright mind and great natural ability living a wasted life? The saddest sight that can come under human observation is to see a man when his head is gray and his step uncertain, trying to liberate himself from habits that enslave, and making a desperate effort to turn a wasted life to some account, while the nightmare of an unrighteous soul holds him down.

THE ILLUSTRATIONS.

There are inspiring and pathetic stories told by the different illustrations in this book, and they should appeal to every citizen who desires to be of service to his land and time. They are biographies of souls. Every time one understands the power of the life of one great man, he must necessarily think of the wisdom of our fathers in building the American government on human expression; and, every time one understands the mischief that can be wrought by one uncontrolled spirit, if patriotic, he will cry aloud that Americanism demands of every person that he invest his talents and do what he can to aid others in securing self-control.—The Author.

Character.—Character is the salt of national life. It is the balance-wheel, the ballast that gives bearing, force, and power to our civic institutions. The perpetuity, prosperity, and greatness of this country depend not only upon acres of land with its mountains and hills bursting with mineral wealth, its lakes and rivers and ocean coast, its revenues and

rich treasures, its great cities, beautiful public buildings and strong fortifications, and its educational institutions and churches, but also upon the culture, enlightenment, and character of the citizens composing the government. A noble man has stood behind every great achievement, whether it was the preaching of a sermon, the writing of a poem, or a commercial or an educational enterprise. A noble and patriotic people with character must stand behind a good government.



President Harrison gives the value of spiritual thought in the following words:

"Have we not learned that not stocks nor bonds nor stately houses nor lands nor the product of the mill is our country? It is a spiritual thought that is in our minds. It is the flag and what it stands for. It is its glorious history. It is the fireside and the home. It is the high thoughts that are in the heart, born of the inspiration which comes by the stories of their fathers, the martyrs to liberty; it is the graveyards into which our careful country has gathered the unconscious dust of those who have died. Here, in these things is that which we love and call our country, rather than in anything that can be touched or handled."

The Evolution of Character and Patriotism.—A rounded character is not an instantaneous product, but it is the result of a growth arising from a persistent and systematic exercise and a conscientious investment of our talents. A noble man is made through the evolution of soul. His greatness and his patriotism depend upon what he is doing in the "eternal now." What we are now is the result of what we were and what we have thought and done.

What we shall be the next moment depends upon our present capacity and what we do in the present moment. We can not take a part of the time allotted to us to live on earth in which to complete the building of our personal characters. This work begins with God and enters eternity.

The Law the Same in All of Our Lives.—The laws of life that make a man great in one thing will make him great in another. The same laws that made Washington a

great general, statesman, and President, will make a great merchant, farmer, mechanic, doctor, teacher, or minister. There is but one fundamental principle and plan upon which human character is built and success achieved.

Unseen Giants.—A countless number of men with the elements of greatness in them have lived and died without realizing that a giant slumbered in their souls. They possessed the elements of greatness, but they died without knowing it. The earth is dotted with graves marking the last resting-place of thousands of men who never knew they were really created great. Myriads are living to-day amid material, educational, intellectual, and moral ruins, because the real self has never been discovered and used. The greatest work that we can do is to touch human life and strengthen citizenship by opening the door of the soul, by arousing the latent and hidden faculties, and by asking a man to step forth that he may see himself and understand his own possibilities and powers. The work of arousing men to noble action and inspiring life with higher aim and purpose, is the greatest that men can undertake.

J. G. Holland wrote :

"God give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor,—men who will not lie;
Men who can stand before a demagogue,
And brand his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,—
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land, and waiting Justice sleeps!"

Opportunities.—The child born in America enters upon his career in life with an inheritance of richest opportunities to become a noble and useful citizen. The child of no other nation has so promising a beginning. The baby of the humblest American peasant is a ruler born in a free government,



THE UNSEEN GIANT.

and he begins life in a country that declares by its policy, its history, and its Constitution that he has the divine right to raise himself through his soul and the people from the peasant's hut to the President's chair, to the legislative halls, to the judicial bench, or to any office, however high or low, within the gift of the people. He is born under a government that holds up ahead of him on the road of life such opportunities as will lead to the highest culture.

When the child opens his eyes in America he beholds a land dotted with churches, a public school at his door that is as free as the government, colleges, normal schools, universities, and other institutions offering him a liberal education at a nominal cost. His eyes behold a land rich in material resources, capable of sustaining two billions of people, with a population of only seventy-six millions. Undeveloped mines, unbuilt railroads, cities yet to be founded, schools to be established, badly cultivated farms, and thousands of other opportunities in the scientific, educational, business, religious, and social world await the coming of the earnest and qualified boy and girl. No other government, no other land, no other people, offer so many opportunities to its members. The son of an American peasant is born richer than the heir to a king's throne.

The Hon. John G. Ingalls, in writing of opportunity, gave us the following beautiful lines:

"Master of human destinies am I;
 Fame, love, and fortune on my footsteps wait.
 Cities and fields I walk; I penetrate
 Deserts and seas remote, and passing by
 Hovel and mart and palace, soon or late,
 I knock unbidden once at every gate;
 If sleeping, wake; if feasting, rise before
 I turn away. It is the hour of fate,
 And those who follow me reach every state
 Mortals desire, and conquer every foe
 Save death; but those who doubt or hesitate,
 Seek me in vain and uselessly implore—
 I answer not, and I return no more."

SUGGESTIVE QUESTIONS.

- Give the process of human and civic growth?
- What is said about a governed and an ungoverned spirit?
- If character values register ten, what would be the registering point of commercial values?
- What made such a difference between the life of Washington and that of the castaway?
- What is your estimate of the value of Washington's life to the world?
- Has the castaway been an expense to the government? Explain.
- Has character an intrinsic value?
- What is one good citizen worth to a neighborhood?
- What is the present worth of the real estate in your county?
- What would it be worth if every citizen had the power of self-control and emulated the life of Christ?
- What would it be worth if every citizen were as noble and unselfish as Washington, Lincoln, Lee, Jefferson, or McKinley?
- What would it be worth if every character were like the ungoverned spirit?
- Would you remain in your county, if every citizen were like the ungoverned spirit, the castaway whose picture appears in this chapter?
- Is it the duty of the government to employ the means necessary to arouse the latent powers of the boys and girls who have not discovered themselves?
- What is said in this chapter concerning the evolution of character, and patriotism?
- What is said in this chapter concerning unseen giants?
- What opportunities are enjoyed by the American citizen?

QUESTION FOR DEBATE.

Resolved, That the ungoverned spirit mentioned in this chapter is not a patriot, even while in this state of life, if he should sacrifice his life on the battlefield in the defense of his government.

CHAPTER V.

PATRIOTISM.

"There is a patriotism of peace as well as of war."—Governor Folk.

Patriotism.—The roots of pure, undefiled patriotism run deep in the laws of mind. Patriotism is not an outward manifestation but an inward principle planted by God and cultivated by man in the human breast. It is not a mere hollow voice that recites patriotic words, but a principle that can speak no other language but love. It is not a miniature flag in the vest pocket of some demagogue to be used upon public occasions in securing votes, but it is a character forged in the human soul. It is a faithfully, honestly, and well-used self in the pulpit, school room, editor's chair, doctor's office, lawyer's office, public office, blacksmith's shop, etc., and it makes better ministers and sermons, teachers and schools, editors and editorials, doctors and practice, lawyers and pleadings, public officers and service, blacksmiths and horse-shoes and workmanship. What is true with these is true with all other callings in life. Every man owes his country a patriot and a well-done, legitimate work.

Patriotic Farming.—You can usually tell how much the farmer loves his country by looking at his farm. If the weeds are taking his crop, his fences down, the gates off the hinges, his stock unkept, the wheat rotting in the field, the fleas and hogs in the barn, his land wasting away and giving no evidence of having been used by a thoughtful, practical farmer, and he is in town three or four days in each week loaf-



A Model Farm.

A PART OF THE ORGANISM OF SOME OF THE RESULTS OF FOLLOWING THE



WE GIVE ABOVE PICTURES OF A PART OF THE AMERICAN



**THE PROFESSIONAL OFFICE SEEKER
WHO STOLE THE SACRED BALLOT
OF THE PEOPLE IN ORDER TO
SECURE A PUBLIC OFFICE.**

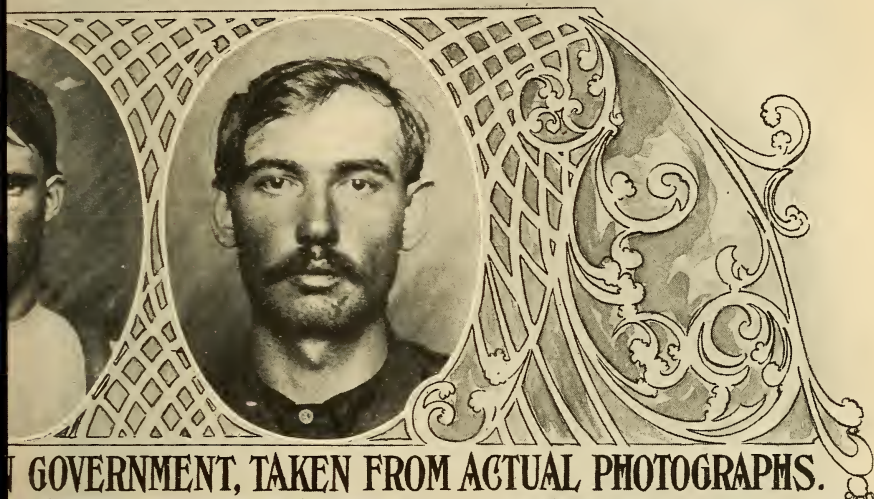


**THE FLOATER, WHO SOLD
HIS SACRED RIGHT TO
VOTE FOR A DEBAUCH.**

THE UPWARD AND DOWNWARD

All human character is the resultant of forces working in us. There is an energy in our nature that pulls us toward evil by yielding to the downward pull. I hear these two contestants in my nature now; and one says look upward. Indeed, there is a life and death line in our being and in our republic. On one side of this line is life, patriotism, semi-Americans, and anarchists. The true American yields to the upward energy of the soul. The semi-American strikes an average between the two pulls of his soul. His life balances somewhere between self-control and self-indulgence. Yielding to the upward energy of the soul makes civic benefactors, and yielding to the downward energy makes debauches.

THE AMERICAN GOVERNMENT. FULL OF THE DOWNWARD ENERGY OF THE SOUL.



GOVERNMENT, TAKEN FROM ACTUAL PHOTOGRAPHS.



**THE RICH CORRUPTIONIST,
WHO MUDDIES THE FOUNTAINS OF
JUSTICE BY BUYING LEGISLATION
FOR SELFISH PURPOSES.**

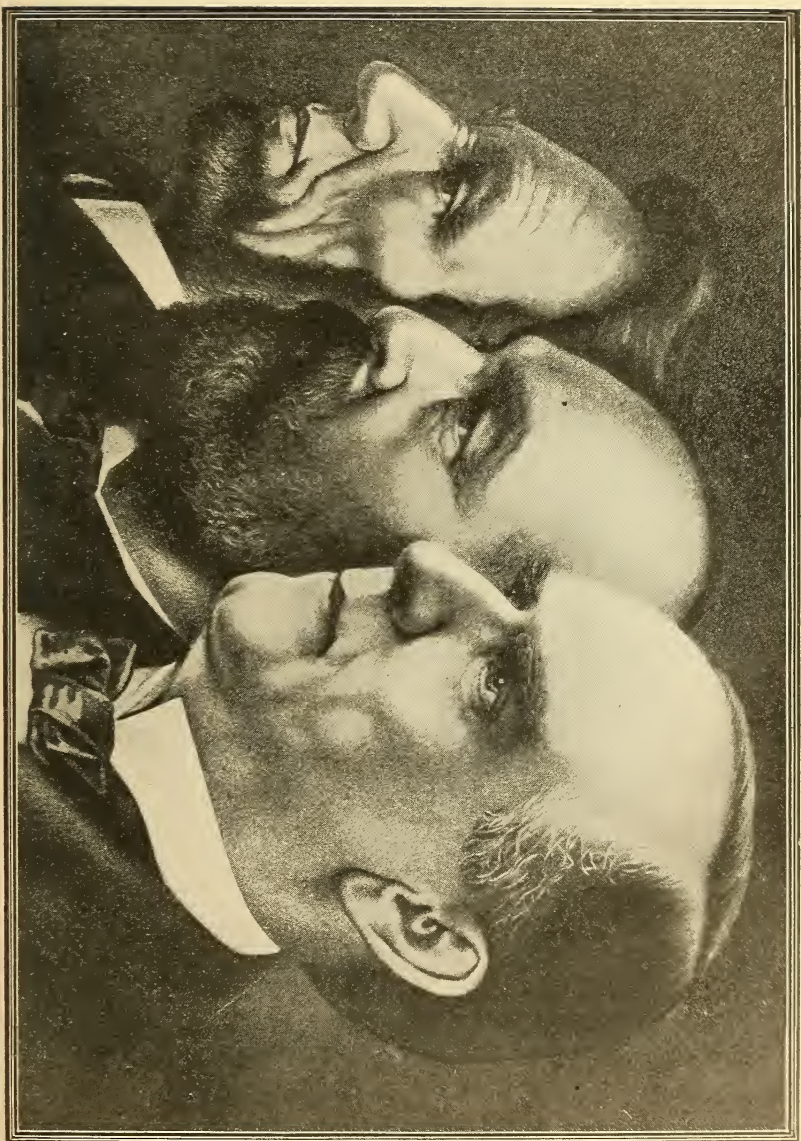


**THE GRAFTER WHO DRAWS
FOR PERSONAL PROFIT ON
THE PUBLIC OFFICE HE HOLDS.**

DOWNWARD ENERGY OF THE SOUL.

up, and there is an energy that pulls us down. Our life is made noble by yielding to the upward, and it is made ignominious by yielding to the downward. To be an American, the other look downward and be an anarchist. The patriot looks up, the anarchist looks down. The patriot looks for life; the anarchist looks for death. The patriot looks for freedom; the anarchist looks for anarchy, and despotism. Our government is composed of Americans who live on both sides of the life and death line. His life is a series of ups and downs. He divides his time and energy between ideal democracy and despotism. Anarchy is the sin that results from yielding to the downward energy creates civic parasites in the great and interesting spirit world of a republic.

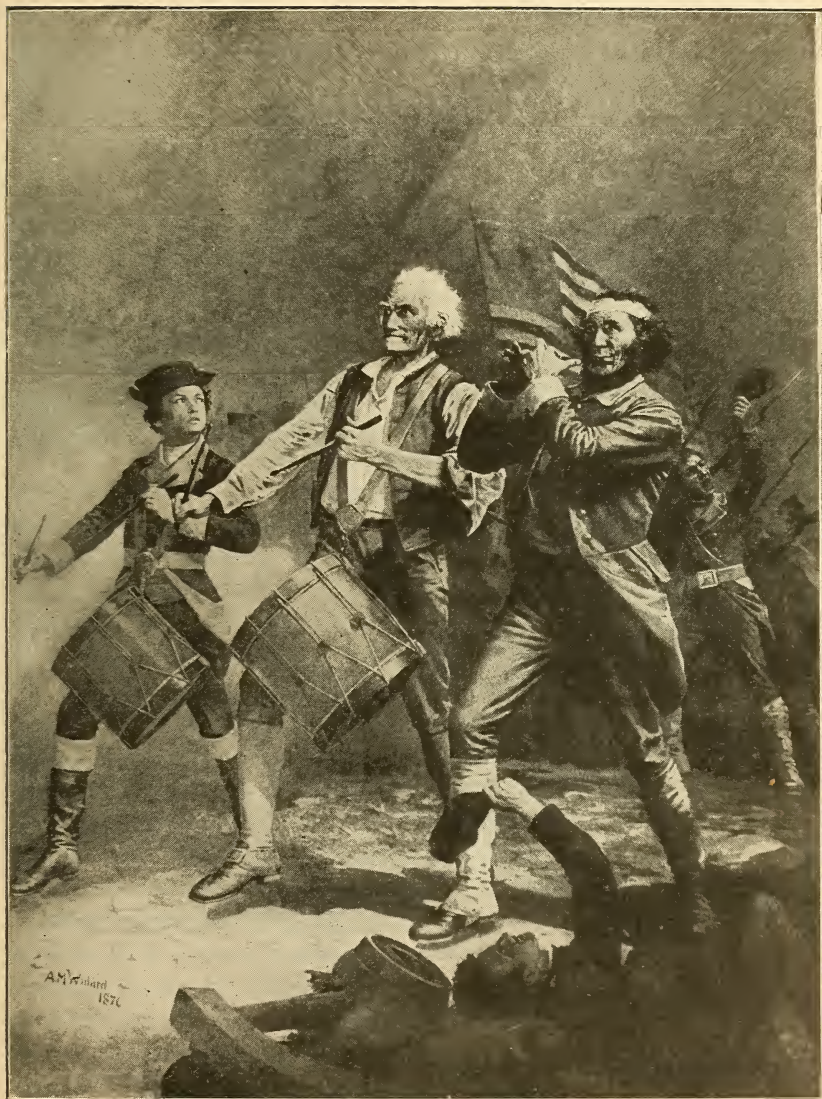
UPWARD ENERGY OF A REPUBLIC.



Three of America's Great Civic Benefactors.

ing on the street and talking about hard times and his neighbors, as well as the imaginary "rascals who are about to ruin this great government," you may know that he has but a small degree of patriotism. He should be quietly told that this government is composed of farmers as well as other people, and that if he has not enough love and character to give his family, community, and nation a good farmer and a well-managed farm, he has failed to pay an honest debt which he owes his country. The man who runs from the weeds and briars on the farm and fails to adorn and beautify it and become an honor to the noble calling which he has selected, would not make a good public officer or fight a very brave battle in the defense of his country. It is not necessary to sink a Spanish fleet in order to show our patriotism or to be a hero. A man can be an American hero and live in a cottage on ten acres of land. What is true with the farmer is true with every other calling.

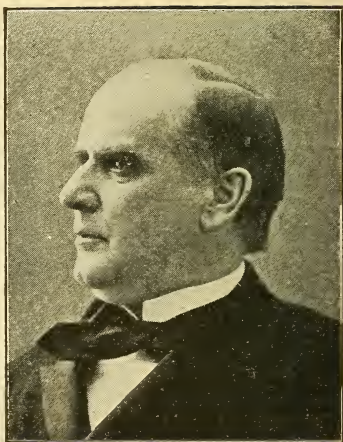
Patriotic Zeal Natural.--Love of country is planted deeper in the hearts of American citizens than any other people. Their intense zeal is only the natural consequence of the rightful law upon which our government is founded. The citizen of the United States who lays down his life for his government does so, realizing that it is a sacrifice made in the interest of justice and humanity. The impulse that moves armies and navies to the defense of our government is not the War or Navy Department, but it is a zeal that springs out of a natural desire to do good by fostering the principles of our republic. If character and patriotism are correlative terms in American government, it necessarily follows that if character were a negative thing, patriotism might be indifferent, but as character is a positive force, the true patriot must necessarily have civic aggressiveness. The citizen of the United States has a right to be patriotic, for when he goes on the battlefield in the defense of his country he is armed with conviction and a principle. He is a soldier fighting to make men free. It seems that zeal is the natural result of the principles of a representative democracy, and that insurrections, plots, and murderous plans against the heads of



"YANKEE DOODLE," OR THE SPIRIT OF '76.

monarchies that rule by fear is a natural result of building a government upon man's, and not God's, law. It is a little hard for a subject of an unlimited monarchy to fight zealously for a principle whose justice is denied by his own conscience and better self.

The Reign of the Demagogue.—The demagogue fosters a selfish and personal interest through a national virtue. "He wears the cloak of patriotism" in order to secure the votes of the people and be elected to office. He carries a good behavior and an assumed patriotism with him upon public occasions, but dynamites the principles of his government when in the dark corners of political compromise and trickery. His political conviction and ideas are arranged to suit the occasion, and he advocates anything that will secure an advantage for his own interest. He carries a miniature flag on the lapel of his coat while prosecuting his campaign for public endorsement, but he tramples it in the dirt and regards it as a rag when he is behind the closed doors of political corruption and anarchy. The demagogue appeals to the passions, ignorance, and prejudices of the masses rather than to their consciences and intelligence. If there is any danger that threatens this government, it is from within and not from without. "The perils which threaten us spring from our moral condition, and, being of unsound health morally, we are as a sick man in an elegantly appointed and luxuriously fur-



President McKinley.

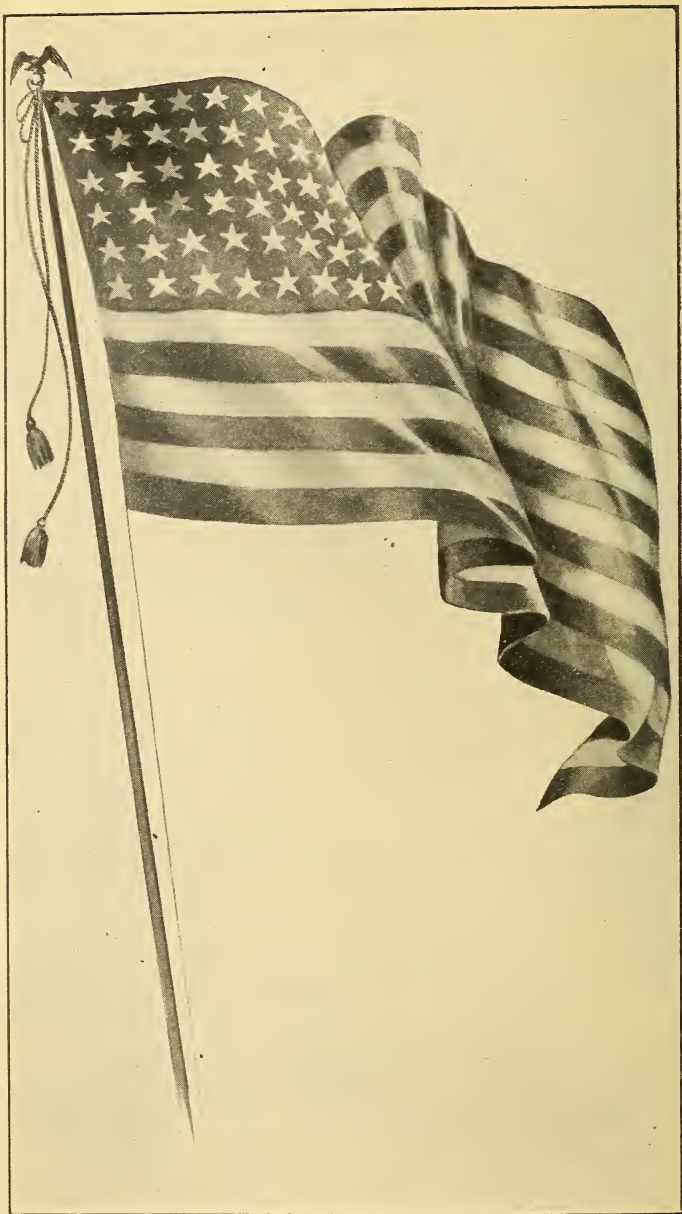
The following extract is from an address delivered by President McKinley in the hall of the House of Representatives, at the State Capitol, Atlanta, Georgia, on December 14, 1898:

"Sectional lines no longer mar the map of the United States. Sectional feeling no longer holds back the love we bear each other. Fraternity is the national anthem, sung by a chorus of forty-five States and our Territories at home and beyond the seas. The Union is the common altar of our love and loyalty, our devotion and sacrifice.

nished house—an environment of splendor but no health to enjoy it.” The success of the demagogue rests upon ignorance and dishonesty. He appeals to the citizen who does not read or reason. He depends upon that part of our citizenship that has a consumptive individuality and a vacillating character; and he tells them what to think, and they think it; what to do, and they do it; how to vote, and they vote his choice. Ignorance, dishonesty, prejudices, and passions are his capital, and he drives, buys, and sells the souls of men as though they were so many dumb brutes ready for the market and slaughter pen. Moral soul control is an unconquerable enemy of the demagogue. The reign of the demagogue is impossible on the outside so long as man rules himself on the inside.

The Enemies of the Republic.—The corruptionist who muddies the fountains of justice by using his wealth in securing legislation for private gain; the grafter who slays justice and befouls the sources of law; the demagogue who stabs civic virtue and secures his election to office through dishonest and unlawful means; the public officer who unlawfully draws on his office for personal profits—these are a few of the enemies of our republic. “They are worse—they are the enemies of the human race; they are destroyers of a people; they are murderers of civilization.” They not only violated the law, but they destroyed the law. These men are more dangerous to our republic than the poor, miserable, self-enslaved floaters who are willing to sell their sacred right to vote for a debauch or for a piece of money.

The Honest Political Leader.—The true citizen holds in honor the broad-minded political leader who has moral courage and who unselfishly serves his country. In every section of our land we need more leaders who strive to be the instrument of instructing the people in the principles of true government and labor to create civic aggressiveness and righteousness. We want men who rise above deception and hypocrisy, petty and personal abuse, slander and villification, and who are large enough to dedicate their lives to public service and to consider all men their brothers. All honor to



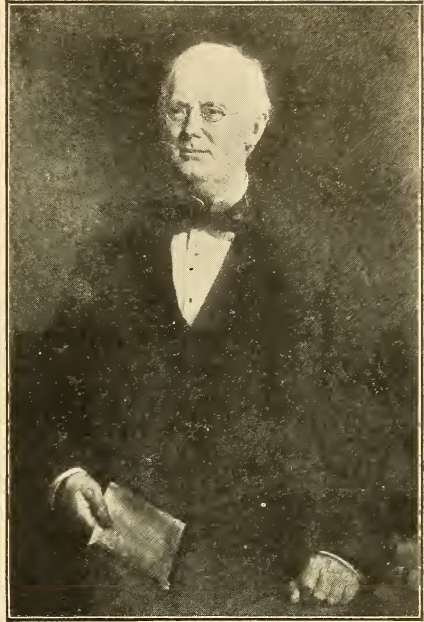
"One flag, one land, one heart, one hand, one nation evermore."
—O. W. Holmes.

"On whatever spot the flag is planted, there may freedom have
a foothold, humanity have a champion, and religion an altar."

the candidate and leader who projects his life along these lines! We cherish and honor the names of General George Washington, Thomas Jefferson, Benjamin Franklin, Abraham Lincoln, and other patriots whose names glorify American history, because they were too great, too noble, too patriotic to be dark-corner politicians, professional office-seekers and unscrupulous demagogues. They were patriots whose every public act was marked by true Americanism, "whose position was one of service, whose glory was sacrifice, whose leadership was love."

The Flag.—All honor to our glorious ensign! The American flag is the emblem of a government founded upon liberty, justice, and Christianity; and if Christ were on earth his hand would help bear the "Stars and Stripes" of a people who have embodied in their government His great thought that over the human soul there is no earthly sovereign.

It is the emblem of our



Senator Frisbie Hoar.

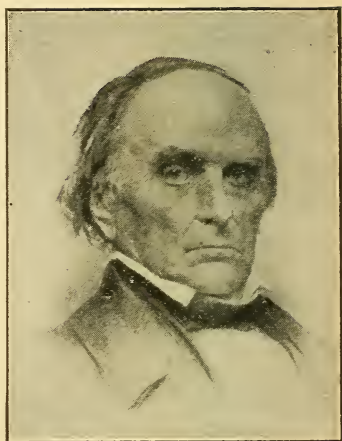
United States Senator Hoar, one of the greatest American statesmen, in speaking of political corruption, said:

"The citizen who would corrupt a great State to get an office must be made to feel that his success will bring with it neither joy nor honor. Let public scorn blast him; let him be avoided as one with a leprosy. We shall not, probably, revive the ignominious punishments of the past, but if they are ever revived, let him be their first victim. The whipping post, the branding on the forehead, the cropping of the ears, the scourging at the cart's tail, are like punishments for the rich man who would debauch a State, whether it be an old State with an honorable history, or a young and pure State in the beginning of its history. If we can not apply them literally and physically, let the aroused public sentiment of his countrymen pillory and brand and scourge the infamous offender. Leave him to his infamy. Let him be an outcast from the companionship of free men. Give him a cloak to hide him in and leave him alone with his shame and sin."

national sovereignty and is the flag of all the people. It is the flag of the patriots who sing "The Star Spangled Banner," "Dixie," and "Yankee Doodle." Under its folds Republicans and Democrats and patriots of whatever political belief march to the music of the Union. It is the flag of every home, church, school, and citizen. The motto of Americans may well be: "Old Glory first; never second."

Uncle Sam and I.—Uncle Sam is made of men. He stands for all the United States, including the spiritual, intellectual, physical, and material wealth of all the citizens. His soul is the souls of all the people; and these separate soul-governments are united by the bonds of love, making one purpose and desire, one fellowship and common interest. His government is one of many individual governments, which are responsible for his conduct. As an artist makes a composite photograph, we have made him our only composite citizen. His ideal is the ideal of the people, and his future

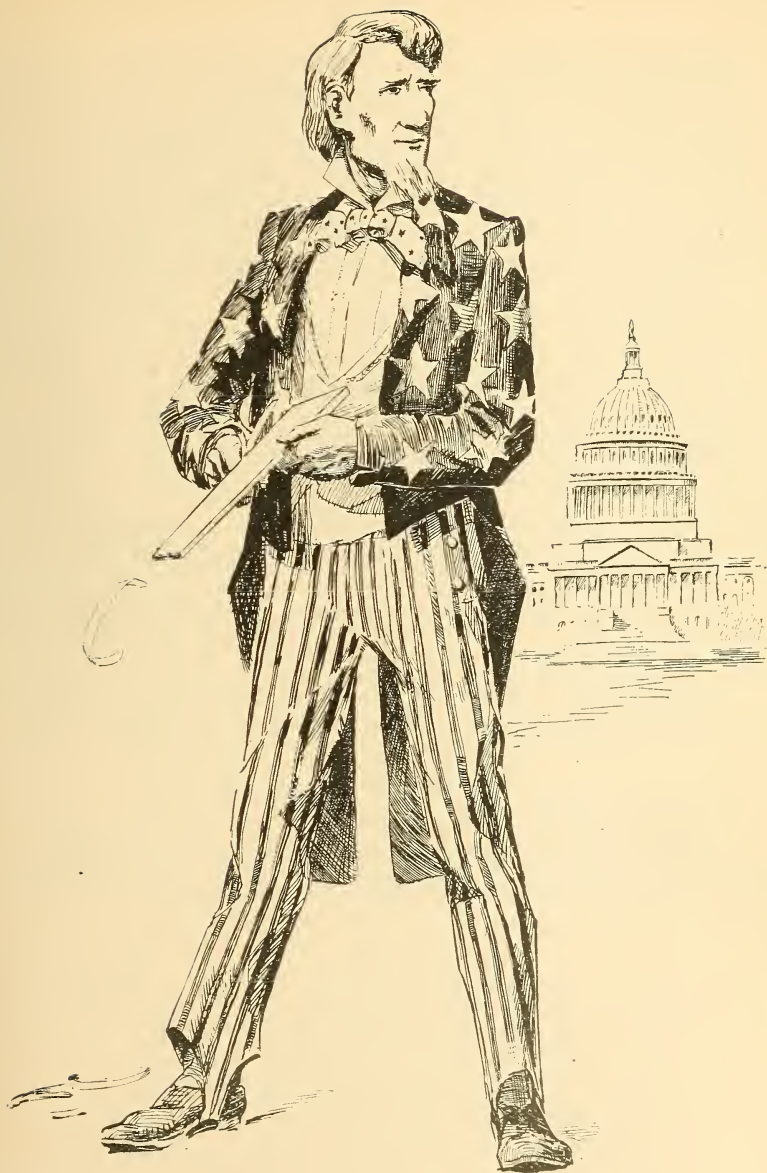
life and safety depend entirely upon them. Every low ideal, impure thought, dishonest act of any kind on the part of his men are poisons injected into his being that paralyze his power and weaken his character. Every honest boy, girl, citizen, with clear mind, noble heart and purpose, give tone and color to his character and influence. No one can do



Daniel Webster.

Daniel Webster spoke the following patriotic words:

"Let my last feeble, lingering glance behold the gorgeous ensign of the Republic, now known and honored throughout the earth, its arms and trophies streaming in their original lustre; not a stripe erased or polluted, not a single star obscured—bearing for its motto no such miserable interrogatory as 'What is all this worth?' nor these other words of delusion and folly, 'Liberty first and union afterwards,' but everywhere, spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and forever, one and inseparable!"



UNCLE SAM.

violence to himself without injuring Uncle Sam. The citizen who cheats his neighbor cheats Uncle Sam and himself. The efficiency of his laws, the honesty and qualification of his officers, his standing and dignity among foreign nations, rest upon the people, who are the substance from which Uncle Sam springs. Uncle Sam is no stronger, no better, no greater than the people. Uncle Sam must do what the people do.

SUGGESTIVE QUESTIONS.

Define patriotism.

Distinguish between patriotism and character.

How does patriotism manifest itself in one's life-work?

Why is it natural for Americans to be patriotic?

In what way is the demagogue a menace to our government?

What are the dangers that threaten the American Republic?

Do Americans honor the broad-minded political leader who lives a life of service? Why?

Are great leaders and thinkers necessary to the perpetuity of our government?

What does the flag stand for?

What do we mean by saying, there is no North, South, East, and West in America?

What is our personal relation to Uncle Sam and his life and work?

QUESTIONS FOR DEBATE.

Resolved, That love of home is stronger than love of country.

Resolved, That our present national civic conscience justifies the belief that the United States is now making the most rapid progress since her birth in 1776.

CHAPTER VI.

A UNIVERSAL BROTHERHOOD.

A Universal Brotherhood.—There can be no true brotherhood except through the broadening of individual life, and this process of the human soul can be accomplished only by bringing the individual to an understanding of the proper government of self. It is necessary for us to have a model to guide us in our work of building and broadening our personal lives, and the all-wise God, the Architect, gave us a Christ, His spoken words, and written plans and specifications, naming each step to be taken in the building of a stately character. He did this in order that we might effectively use all the material of human life in our labors to erect this character and be free men. The temple of universal brotherhood that is surely being erected by restless humanity to-day is built as high and no higher, is as near completion and no nearer, than all the people have been able to erect their individual characters after the model of Christ. Peace must reign in the soul's empire before it can reign in the world.

"The true cradle of democracy was the manger at Bethlehem. When the son of the carpenter of Nazareth brought to the world the gospel of the fatherhood of God and the brotherhood of man he ennobled the individual, destroyed the spirit of caste, and made democracy in its broadest and noblest sense inevitable."

The Motive.—The motive for broadening the individual is a selfish purpose, and it necessarily follows that the broader the purpose the larger the love. If our purpose is the exemplification of the life of the Great Teacher and the perpetuity of the Constitution and the making of Christians, patriots, free governments, and a universal peace, our purpose is broad and our love is boundless.

Charity.—Our charity depends upon the height, breadth, and depth of our individual lives, as well as upon the setting

of the purpose of life. The man who tries to build his life after the Perfect Model, and, in the performance of this duty, never does violence to his conscience, is an honest man regardless of his creed and fundamental belief. If two men have done this and yet differ in some points, both are honest. You have no right to judge of your neighbor's conduct by your criterion of right only. We should pity the narrow, selfish man who goes through the world measuring every man's character by the narrow standard which he has arranged for his own conduct. Broadening the individual life strengthens individuality and enlarges fellowship.

Religious Liberty.—The life of the church member has been liberalized, and the day of religious intolerance has passed or is rapidly passing. The fanatic who puts himself astride a religious hobby and rides it without regard to the views of his brothers and who is dogmatic in his statements, will do the great cause of religion more harm than good. No doubt a few narrow bigots are yet remaining in the ministry and the membership of the different churches, but this is no fault of the church, which is infinitely greater than any minister or layman. Christians should stand together in one great movement for the education and salvation of the human race, and they should not make the mere addition of a church member their purpose, but they should rather unite in one great effort to make Christians and patriots and put them to work in the building of civic and Christian life. The church and the school stand for better laws, stronger citizenship, more devoted Christians, and for the future perpetuity of this government. They should have the unqualified support of every good citizen.

Political Liberty.—An emancipation of the people from abuse, political prejudice, demagoguery, and the spirit of intolerance is surely taking place. Men of all political parties and beliefs and of all sections are coming closer together. They are beginning to understand that all have used the same constitutional system as a model in their work of building

political parties and principles. The American people, notwithstanding their various political creeds, have the same purpose in view and make an indissoluble union. No true American any longer finds fault with a man who conscientiously identifies himself with a political party and votes his conviction. However, this government has a right to expect every man to make a thoughtful investigation before fixing his political affiliation.

Aristocracy.—God gives every man equality of birth and preparation. American aristocracy depends upon work and worth, and not upon an artificial social caste, wealth, accident, privilege, or rank. The American citizen is distinctly cosmopolitan, and if he is building a soul ruled by virtue and wisdom, he is entitled to occupy the highest positions in the palaces of a free government. Our government recognizes every man as a necessary and sovereign part of a social organism that governs by spirit force. It is an aristocracy of common life, social welfare, common dependency, where men are measured on the inside of the soul and not on the outside of the body, and where the blacksmith can be an aristocrat and an American gentleman, provided he has the power of self-control and is a master of his task and puts conscience into his horseshoes. A righteous citizenship is the natural aristocracy of a republic.

J. G. Holland, the eminent author, believed in the aristocracy of manhood. He wrote:

"No work that God sets a man to do—no work to which God has especially adapted a man's powers—can properly be called either menial or mean. The man who blacks your boots and blacks them well, and who engages in that variety of labor because he can do it better than he can do anything else, may have, if he choose, just as sound and true manhood as you have, not only after he gets through the work of his life, but now, with your boots in one hand and your shilling in the other."

The Constitution and Caste.—The American government is supported by an aggregation of souls, making one Union, and unless the conduct of the individual citizen and the policies of all institutions of whatever nature are built upon the great common people, they are to that extent un-American. The name of every citizen of the United States, however young or old, high or low, rich or poor, learned or

ignorant, good or bad, is written in the Constitution, and each is an organic part of our government. No man, regardless of social, religious, educational, business, financial, or public position, can be in this government any other than one of the great common people. The government is the sovereign that directs the whole Union, and no form of caste that divides men and destroys sympathy and brotherhood can be recognized except by weakening the Union. If this government required a social, money, and wardrobe qualification of each member of the great common people before he could be entitled to the privileges of the government, its policy would be as narrow as is the policy of all forms of caste seen in and characterizing many organizations, classes, and social clubs. A government could become an aristocracy of wardrobe or money power and not as our government is now—an aristocracy of soul power. Clubs of artificial and un-American caste may adorn their club rooms with the flag emblematic of the highest individual self-control, and yet have anarchy in their own organization and in the individual lives of their members. But it takes an American patriot to carry "Old Glory" in his character, and any man who is with the patriot who does this is in good company, though his wardrobe be a twenty-five-cent hat, a blue shirt, and a cottonade suit of clothes, and his meal a piece of bread and a glass of water. When each citizen forges character in his soul, he is an American aristocrat greater than king or lord.

Narrow Men, Friendship, and Politics.—A government of, by, and for narrow men would be a government whose public opinion would be intolerance and whose laws would be dogmas. The tie of friendship is love emanating from a free life, and no narrow or dissipated man is free. Thousands of men are brought together in the various relations of life, and we speak of them as friends, when, in fact, the tie that holds them may not be love, but a dollar, a public office, or the acquiring of a piece of land, or some other self interest. This fictitious friendship is carefully nursed for a selfish purpose. It is a convenient and profitable thing to carry around

and use when one desires to accomplish a certain object and needs the help of his friend. The man who steals the sovereign vote of the people for his friend will steal it from his friend the next time, if the office should come between them. Put a school between narrow teachers, a patient between narrow doctors, a deposit between narrow bankers, and then make a careful estimate of the friendship that exists between them. Look at those narrow political demagogues and professional office-seekers! How they fawn upon each other! But let down among them a public office that all desire, and you will witness a dog fight in the name of the flag and "in the interest of the great common people." Let down among the narrow church members and preachers a dogma, a doctrine, and see them pull hair in the name of Christianity. The political parties of this country are greater than demagogues or any man, and the churches are infinitely higher and better than narrow church members. True companionship or fellowship or friendship can exist only between broad-minded and unselfish men. You may put friendship, the people, the home, government, churches, and schools on one side and a public office or dogma on the other, and a poor, miserable, self-enslaved, narrow man will sacrifice all of them for the public office or dogma.

The Worker on the Temple of Brotherhood.—You have seen that a man must be prepared within before he can be a good workman in the building of the temple of fellowship. Every workman has his own method and ideas, but all are building after the same Model and are at work for the same purpose. They are too broad and noble and have no time or inclination to stop with a petty smallness and question a co-worker's creed and his right to help in the work, but it is sufficient to know that he is a laborer in the building of the temple of love. It makes no difference with them where the workers come from or what their names might be, if only they are skillful laborers in the accomplishment of the purpose that is before all of them. They are not caring about who goes up and who comes down if only the work is well done and more men are secured from every source to join in the labor.

The temple of fellowship, which is certainly being erected as a result of freeing the human soul, is not built upon any one social, religious, educational, or political creed, but every human soul is a pillar to support this edifice of brotherhood, and the purpose for which they labor is greater than any one church, party, or belief.

SUGGESTIVE QUESTIONS.

- Upon what does the brotherhood of man rest?
How much work has been done upon the building of the temple of universal love?
What should be the motive of every man's life?
Upon what does charity depend?
What is said in this chapter concerning religious and political liberality?
Name some of the forces and institutions that contribute to a universal fellowship.
What is the difference between the spirit of democracy and the spirit of caste?
In what way does the spirit of caste interfere with a universal tranquillity?
Are there any caste tendencies in your home, school, community, State, nation?
What is said in this chapter about friendship and narrow men?
Who is a good citizen?

QUESTION FOR DEBATE.

Resolved, That the narrow-minded man who dogmatically advocates his religious hobby without regard for the honest views of others does more harm than good.

CHAPTER VII.

OUR COUNTRY AND HOME.

The Home is a character-making school, where the child practices his future conduct and produces in a miniature form his future life. The part he afterward plays in the theater of life is, in most cases, a reproduction of what happened in the home. The home is a nursery where the principles of religious, social, and political liberty are planted in the soul. Childhood shows us the way to our future citizenship, and gives us an opportunity to make our future one of righteousness and virtue.



General Grant's Log Cabin.

The Enlightened Home.—In this age of churches, schools, libraries, books, magazines, and newspapers, every home has an opportunity to secure a higher moral and intellectual culture. The home should be a school where religious, social, and political questions are discussed, and the boys and girls are encouraged to read and develop the power of thought. Indeed,



Thomas Jefferson's Home, "Monticello."

thought inspired by love is one of the first essentials in every home. It is a product that is worth more than gold and silver,

more valuable than bonds. It is to be regretted that there are men who possess large properties and a great income and bright children, who take no thought of giving their families the intellectual and moral culture that properly belongs to every well-ordered home. They frequently know more about their horses and cattle than about their children, and they take more interest in the stable that is to shelter their horses, mules, and cattle than they do in a modern school-house for the children of their community. They may have ten thousand dollars in the bank and not a good magazine or book in the home. In this age of books, magazines, schools, and free mail service, there is no excuse for ignorance in any home. For a few dollars the daily happenings of the world can be laid down at the door of every man. "Good literature is as necessary to the growth of the soul as good air is to the growth of the body, and it is just as bad to put weak thought into a child's mind as to shut his body up in an unventilated room." It is the duty of the American citizen to think. It is patriotic to think. In fact, it is the theory of our government that there is not much difference between supremacy of high thought and the supremacy of a free government.

Henry W. Grady, statesman and orator, said in one of his great addresses:

"The man who kindles the fire on the hearthstone of an honest and righteous home burns the best incense to liberty. He does not love mankind less who loves his neighbor most. Exalt the citizen. As the State is the unit of government, he is the unit of the State. Teach him that his home is his castle, and his sovereignty rests beneath his hat. Make him self-respecting, self-reliant, and responsible. Let him lean on the State for nothing that his own arm can do, and on the government for nothing that his State can do. Let him cultivate independence to the point of sacrifice, and learn that humble things with unbartered liberty are better than splendors bought with its price."

Tyranny in the Home.—There is a sovereignty that belongs to every father, mother, and child, and every true home is governed by paying tribute to this inalienable right that belongs to each member of the family. Unfortunately, many homes are ruled by despots who

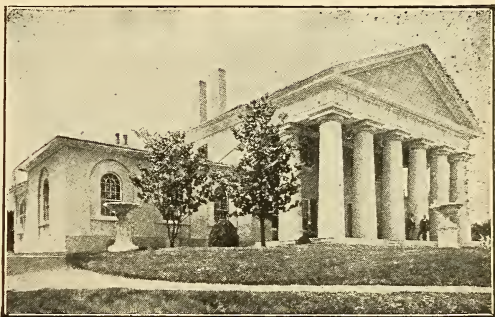


Washington's Birthplace.

usurp the rights of others and make them slaves to their rule. The natural right of father, mother, or child is from God, and is higher than the authority of any member of the family. Each one should earnestly strive to preserve the natural relation and act in harmony with the natural law. The home should be a democracy where each member enjoys liberty of thought, speech, conscience, petition, and choice of occupation. No parent can afford to label his child "Republican," "Democrat," "Populist," "minister," "doctor," "teacher," "mechanic," or anything else; for if he does, he is a tyrant who puts out the eyes of the soul of his child.

Homes Without

Laws.—Obedience to laws and respect for good government begin in the home. Back of lawlessness and crime, back of jails and penitentiaries filled with



Robert E. Lee's Home, Arlington, on the Potomac.
Copyright by E. A. Perry, Malden, Mass.

criminals, stands the home without law. The child's recognition of the supreme authority of parental law prepares him to give obedience and respect to the authority of civil law. The child that is permitted to leave home without any knowledge of obedience to lawful authority is likely to learn the lesson

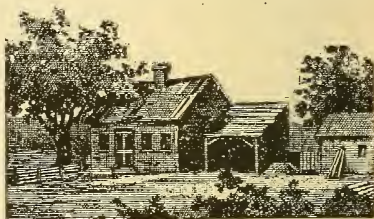


"There are hovels so radiant and redolent with a high and beautiful life, that we count them courts of the Immortals."

in jails and penitentiaries or on the gallows. Violations of civil law frequently have their beginning around a happy home circle where parents permit an infraction of parental authority. The parent would not do his duty if he did not require of the child obedience and respect for parental government.

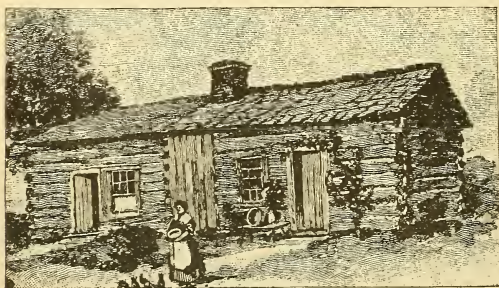
Love of Home.—Love is a virtue that expresses itself in noble deeds and actions. The child who loves father, mother, home, and country, will show it by what he does for them. Love is not empty sentimentality, but an acting, working, and living principle. The child who loves his home will study hard at school to develop his growing powers. He will try to be a master of his tasks, to reflect honor on his home, and to render a service to his country. Life is action and not sentimental talk.

Home Ownership.—In the year 1900 there were 15,963,965 private families in the United States, and only 7,218,755 of this number owned homes. A free government is much safer in the hands of people who own their homes than in a drifting, homeless citizenship. The aggregate love of our country can be measured by the love and condition of the homes. It is difficult to ripen home affection when the family moves about from place to place and lives in a rented house, or in one that is mortgaged. Home ownership is a civic question of vital importance to this government.



Birthplace of Webster.

A Happy Home.—A happy home depends more upon the inner life of the members of the family than it does upon the house in which the family live. Happiness is a condition of the soul, and if each member of the family develops a symmetrical, moral and intellectual selfhood, the home will be a happy one, though the family live in a hut of logs and lead a simple life. A million-dollar mansion may be a theater where the members of



The home of Lincoln at the age of twenty-two.

"The mill-streams that turn the clappers of the world arise in solitary places."

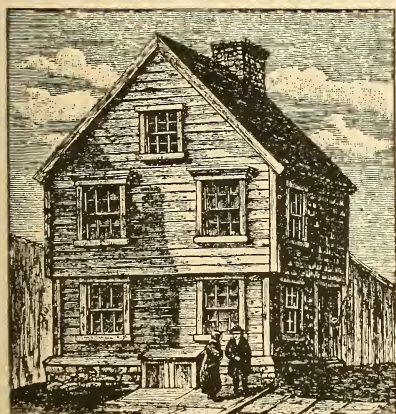
the family are players in moral and intellectual tragedies. Happiness enters the door of the log cabin of the peasant on the same terms that it enters the door of the mansion. Every man should strive to have an attractive home with all the modern conveniences, but if it is not his good fortune to have these things, it does not follow that his family as well as himself will not be able to make terms with themselves and live a happy and useful life.

A Moral Home.—

A high moral sentiment should pervade every home and the example of father, mother, and child should be characterized by intense honesty and the highest integrity. One dishonest act of a parent, even though it be apparently a small matter, may send his child to the penitentiary or the gallows. The son



Washington's Home, Mount Vernon.
Copyright by E. A. Perry, Malden, Mass.



Birthplace of Franklin.

of a family of good standing, who paid the penalty of death for a hideous murder, attributed the beginning of his crime to the ungoverned temper of his father, whom he had seen beat dumb brutes in an unmerciful manner. One dissipated boy can destroy the peace and tranquillity of a happy home. Moral compromises, even in the smallest affairs of a home, will lead to moral and political compromises and serious wrongs in the larger affairs of the world. An

intense moral home sentiment is to the home what a high moral public sentiment is to the nation.

Officers of the Home.—The father and mother are the officers of the family government. It requires wisdom to properly perform the duties devolving upon them. Earnest parents feel the great responsibility resting upon them, and use every means to be firm and just in enforcing family government. They recognize a child sovereignty that is higher than their authority, and labor to administer family government according to the inalienable rights of every member of the family. The obedient child knows that his parents are officers appointed by God to govern the home, and he yields to this parental authority.

SUGGESTIVE QUESTIONS.

Describe your ideal home.

What is the influence of the home on Christian and national life?

What is the value of good literature to home life?

Name ten books that should be in every home.

What current literature should be read in the home?

How may there be tyranny in the home?

How does home ownership strengthen individual and national character?

Who are the officers of the home?

What are the duties and rights of father, mother and child?

QUESTION FOR DEBATE.

Resolved, That the home does more toward the making of a good citizen than all other influences combined.

CHAPTER VIII.

FREE GOVERNMENT, EDUCATION, AND THE PUBLIC SCHOOL.

"True liberty can be safe only when suffrage is illuminated by education."
—Garfield.

We have already learned that character is the leaven, the salt of national life. Without a citizenship, intelligent and loyal, we should feel the impact of disorder and revolution. Violence would endanger life and property. A free government offers its citizens an opportunity to be free men in the universe of self; but if the people were uncontrolled units the government would lapse to self-destruction. If the destructive element should be in control, there would be no civic power to check its downward course.

This power in a popular government rests in the people. Enforcing the law in a republic is not likely to extend beyond the moral sentiment of all the people composing the government, and good laws are not likely to be made by a people who make bad laws for the government of self. So, it becomes the duty of every citizen to do all in his power to make this government a self-building, self-perpetuating, self-governing, law-abiding institution.

The Constitution and Universal Education.—The Constitution of the United States contemplates universal education. It makes the public school, colleges, and other character-making forces a necessity and an implied part

Mr. John Clark Ridpath, the historian, in speaking of enlightened citizenship, said: "A republic without intelligence—even a high degree of intelligence—is a paradox and an impossibility. What means that principle of the Declaration of Independence which declares the consent of the governed to be the true foundation of all just authority? What kind of 'consent' is referred to? Manifestly not the passive and unresisting acquiescence of the mind which, like the potter's clay, receives whatever is impressed upon it; but that active, thinking, resolute, conscious, personal consent which distinguishes the true freeman from the puppet. When the people of the United States rise to the heights of this noble and intelligent self-assertion, the occupation of the party leader—most despicable of all tyrants—will be gone forever; and in order that the people may ascend to that high plane, the means by which intelligence is fostered, right reason exalted, and a calm and rational public opinion produced, must be universally secured. The school is the fountain whose streams shall make glad all the lands of liberty. We must educate or perish."

of its organism. The Constitution is by nature the greatest educational bill and ordinance that was ever enacted by a body of people. Its own life depends upon universal intelligence and righteousness. Every added moral and intellectual impulse to the life of a free government is a new fortification of strength to stand against the destructive elements that are in our government. Universal education strengthens a free government and shakes monarchies.

American, or Character-Building, Institutions.—Institutions that aid the individual in developing self-control are suitable for America. The right of defining and naming these institutions belongs to the educated conscience, and not to



Consolidated Rural School.

"There is only one cure for the public distress, and that is public education directed to make men more thoughtful, merciful, and just."

—John Ruskin.

the ignorant citizen. If the government by statute law or otherwise legalizes an institution as American in nature, it becomes the duty of a good citizen to obey the law whether he does or does not believe in it, for it comes from the people who are the government. He has a right to open a campaign for public sentiment that will lead to the lawful and rightful regulation or abolition of

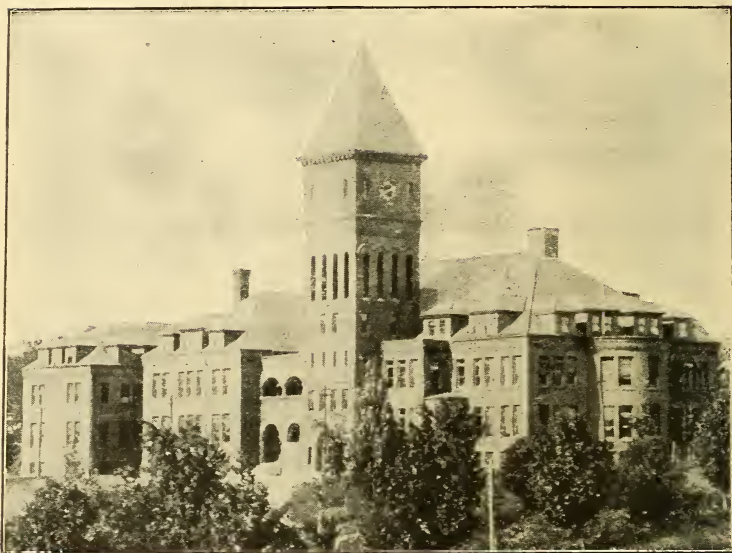
such an institution, but he has no right to ignore the law which he thinks shields it. Take away from this country the educating influences and restraining powers, and the government would fall as a result of its own sin and ignorance.

Non-American Institutions.—Any institution that destroys self-control in the individual is un-American and should be regulated or abolished by law. If our country depended upon this element, it would be self-destroying, and it would take but a short time for it to commit civic suicide. What to do with un-American institutions is a question that must be

solved through the individual. If these institutions are a dangerous element in our compact, they will not stand before the moral conscience of a righteous citizenship.

Monarchies and Universal Education.—Representative democracies become more and more popular as the people advance in intelligence and secure a higher order of civilization. Universal education is the worst foe that ever confronted kings, princes, sultans, and czars. It educates the masses and leads them to understand that they are independent, sovereign beings, and that the people, and not kings, have the right to govern. It establishes the principle taught by Christ that there is no earthly sovereign over the human soul. It is hard to think that any citizen whose allegiance belongs to a monarchy is really great. We see only a king, prince, or czar. But in America the child of a peasant may be the coming ruler of the great republic. The national Constitution recognizes no aristocracy except the aristocracy of character and learning.

Property and Education.—The material wealth of the citizens and nation rests upon an educated citizenship as well as upon broad fields of fertile lands, rich mines, great corporations, and large profits. An educated conscience and universal intelligence in a republic are as essential to the material welfare and development of the country as they are to the preservation of the Union.* The commercial value of the property and the rated and paying value of the bonds of large corporations are affected by the character of the citizens composing the nation. Take away from this country her educating, character-making forces, including the consecrated teachers, ministers, philanthropists, churches, schools, and all institutions that build citizenship and broaden life, and property would not be worth one-half of its present value. It is a known fact that all other things being equal, the property of an educated people is more valuable than the property of an uneducated people. A moral bankruptcy in our government would be followed by a commercial bankruptcy.



EDUCATION.

Education is complete development for complete living.—Spencer.

Education is the sum of the reflective efforts by which we aid nature in the development of the physical, the intellectual and the moral faculties of man.—Campayne.

For every pound you save in education you will spill five in prosecutions, in prisons, in penal settlements.—Lord Macaulay.

If the children are untaught, their ignorance and vices will in the future cost us much dearer in their consequences than it would have done in their correction by a good education.—Thomas Jefferson.

Whatever you wish to appear in the life of a nation, you must put into its schools.—Prussian Maxim.

If I had my way, I would hang the flag in every schoolroom, and I would spend an occasional hour in singing our best patriotic songs, in declaiming the masterpieces of our national oratory, and in rehearsing the proud story of our national life. I would attempt to impress upon all the supreme value of their inheritance, and the sacred duty of transmitting it untarnished and unimpaired, but rather broadened and strengthened, to the millions who will follow after.—Andrew S. Draper.

Patriotism is one of the positive lessons to be taught in every school. Everything learned should be flavored with a genuine love of country. Every glorious fact in the nation's history should be emphasized and lovingly dwelt upon. The names of her illustrious citizens should be treasured in the memory. Every child should feel that he is entitled to a share, not only in the blessings conferred by a free government, but also in the rich memories and glorious achievements of his country.—Richard Edwards.

Financiers and Universal Education.—Men who devote their time to commercial enterprises should not overlook their obligations to men and institutions that devote their entire time, thought, and talent to the education of the citizen. Character-making institutions are permanently in need of money to prosecute effectively the work that is before them. If the bonds and realty of the commercial citizen are increased in value as a result of an educated citizenship made possible by a certain class of individuals and institutions, the property owner is a beneficiary, and he should give liberal financial aid to such institutions. Men who devote their entire time to commercial pursuits should co-operate with persons who are giving their thought and labor to the making of citizens. There are thousands of ministers, teachers, and other laborers in this country receiving a small salary, who, if they should devote the same energy, thought, and time to a farm, store, bank, railroad, or other enterprise, would frequently make as much in one year as they will in a lifetime. This fact demands recognition from persons engaged in material pursuits.

The Ideal School.—The ideal school seeks to lead the student to a higher moral, physical, and intellectual development by bringing him to a higher reverence for honest toil, a deeper respect for a disciplined mind, and a greater love for a spiritual life. The ideal school dignifies all honorable labor and generates power in the individual by harmonizing the mental, physical, and spiritual forces with a well-defined purpose. It makes possible Emerson's man of power:

"His tongue was framed to music,
And his hand was armed with skill;
His face was the model of beauty,
And his heart the throne of will."

The ideal school is a democracy built upon human needs, reflecting the spirit of our Constitution and civic requirements, and preparing boys and girls, young men and women, for a higher citizenship and a more useful life. The ideal school "rings the rising bell in the human soul," inspires young

people, instills into the mind of the student the great truth that every person is created to do something, to be a producer, a worker, and not simply a consumer. It leads him to understand that the power of self-mastery and self-reliance is an imperative duty and the first great obligation he owes his God and his country. The ideal American school is a democracy, where the son of the millionaire and the son of the peasant sit side by side, each depending upon what he is and what he can do, how well he can think and work, and not upon what he seems to be and what he may possess and how much money and social standing he may have. The ideal school generates in the mind of the boy and the girl an honest desire to secure a liberal education and be of use to his country. It builds character and teaches the student that all men are his brothers. It makes a strong public sentiment for education in the community or State where it operates. It is a leader in the molding of public opinion and shaping the character of the community. The ideal school is mainly a self-governing institution whose disciplinarian is a moral opinion and desire expressed by an earnest student-body.

The Free Schools.—The public school is not named in



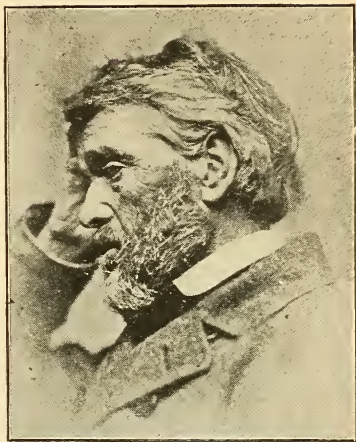
A Mountain Rural School.

"Let us cherish our public schools as the looms, and our teachers as the weavers who weave the wondrous destiny for the nations."

—John Fiske.

our organic law, but it is an implied part of its organism and is a necessary requirement of our government. This government was organized for the present and for the future, and there is no better way to show our patriotism and our desire to perpetuate its glory and reach the ideals of a universal brotherhood than to

put a modern, well-equipped and well-ordered school-house, faithful teachers, and free tuition at the door of every child in the land. The absolute sovereignty of the individual makes it possible for ignorance, the worst despot that ever ruled a people, to reign in a free government, and if it should ever gain ascendancy in this government the greatest tragedy of the world's history would be enacted. It is intended that knowledge and wisdom shall be the power and controlling influence in a republic.



Thomas Carlyle.

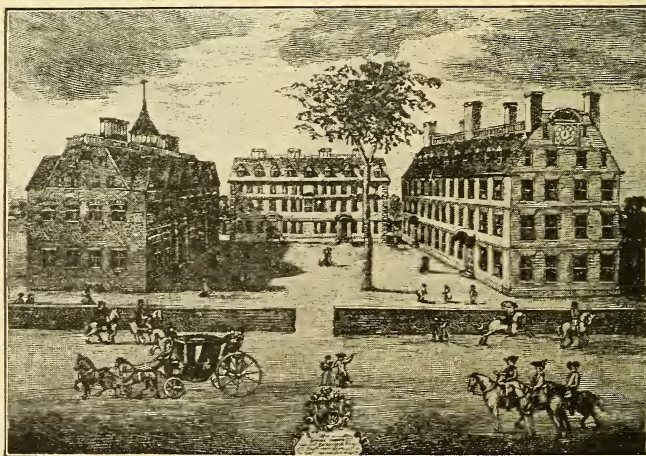
Taxation for Education.—The largest item in the State's expense account is usually chargeable to ignorance and sin. The wise State, therefore, labors and legislates for a universal righteousness and intelligence. It is

stupid, immoral, and unwise for any of the great Commonwealths of our nation to refuse to provide ample means for the education of her children. It is short-sightedness for a people of any city or neighborhood who have an opportunity, to refuse to vote for an equitable tax that will give that city or neighborhood the advantage of the best schools. All things being equal, every State builds wisely and in harmony with the principles of democracy, when it appropriates money for the rural public school, graded school, high school, State normal school, university, and other public institutions.

Democracy in Education.—True education means a deep respect for honest toil and the highest development of skill and power in every department of life however high or low. We can no longer name any uniform training by which an

Mr. Carlyle wrote: "A thinking man is the worst enemy the Prince of Darkness can have. Every time such a one announces himself, I doubt not there runs a shudder through the nether empire, and new emissaries are trained, with new tactics to, if possible, entrap him and hoodwink and handcuff him."

American gentleman is made, but we must offer a life training that will make a whole man who is a master of his task, though he be the "Man with the Hoe," the secluded scientist in his laboratory, or a counselor in the cabinet of government. All are necessary and all are doing a work of common interest. It is of the highest importance to the American government that the work in each department of life be well done.



From Oldest Known Print of Harvard College.

The above picture of Harvard College was made in 1726. It represents the college as it appeared when ninety years old. Fisk's History of the United States says: "So many of the leading settlers were university graduates—mostly from Cambridge—that a college seemed necessary for the colony. In 1836 it was voted to establish such a college at Newtown, three miles west of Boston. Two years later, a young clergyman, John Harvard, died childless, bequeathing his books and half his estate to the new college, which was forthwith called by his name, while in honor of the mother university the name of the town was changed to Cambridge."

SUGGESTIVE QUESTIONS.

How would an increase in illiteracy affect a republic?
 How would it affect the value of property?
 Why are an ignorant people necessarily a poor people?
 Upon what does productivity depend?
 What is the civic value of the power of the American citizen to think accurately?

Why should a republic legislate to secure universal intelligence?

Name ten character-making institutions and influences.

Saying nothing of the moral and religious value of a zealous church, a good school, a well selected and ordered library, and other character-making institutions, what is your estimate of their material value to every community?

Name those character-making institutions that seek to educate the masses by aiding them to secure moral soul-control.

What is your estimate of the value of Public Schools, High Schools, State Normal Schools, Universities, etc.?

Are you doing all you can to aid in securing universal intelligence in this country?

Are you talking for it, or against it?

What would you do if you had an opportunity to "transmute gold into life" by voting a local equitable tax for the education of the children of your neighborhood?

Why do you consider it a disgrace for a citizen of a republic to refuse to vote an equitable and just tax, local or otherwise, to be used for the education of the child?

Why should every citizen contribute to character-making institutions?

Is the public-school the natural consequence of a republic? Why?

Define the relation existing between State governments and State educational institutions.

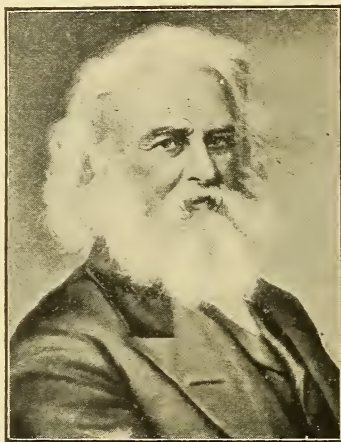
Describe your ideal school.

QUESTION FOR DEBATE.

Resolved, That the saloon is an un-American institution and should be abolished by law.

THE SHIP OF STATE.

The sea of the Human Mind is as restless and relentless in its activities as the waters of the great Atlantic, and the Ship of State sails upon this sea directed by the compass in the national heart. If it ever sinks into the waters upon which it glides as the instrument of man, it will be because its sails have been improperly spread to the breeze of God's Eternal Truth. Longfellow wrote:



Henry Wadsworth Longfellow.

"Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workman wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis but the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee."

CHAPTER IX.

CIVIL GOVERNMENT.

A Knowledge of Government.—Good government promotes progress along all lines and secures justice for each of the people. A good citizen takes an interest in his government and in the administration of its affairs. No one, regardless of station in life, can afford to be without a knowledge of it. No leader in any field of activity can hope to accomplish much unless he is a student in the ethics of government and takes a keen interest in all public questions. It is as essential for the business man to have a knowledge of his country, as it is for him to know the elements of a commercial transaction. The voter who is ignorant of the laws and the Constitution can not express in his ballot an intelligent choice. Citizens who have studied our Constitution and the plan upon which the machinery of our government is operated, and who have taken an active part in the administration of the laws and in elections, are likely to be more patriotic, conservative, and loyal than the individual who has not studied his government and has taken no interest in public affairs.

Government is the organized power by which society secures justice and progress. It is necessary in order that men may live together in peace and enjoy the blessings of liberty. Without government every man could do as he pleased, and the person and property of another would be made subservient to the pleasures of the vicious. Wicked men would defraud, rob, and murder. Disorder and all excesses would prevail. There could be no administration of the "general welfare."

Civil Government is the power vested in the officers authorized to regulate the rights and duties of citizens and of the government.

Man's Nature.—Man is by nature a social being. The hermit, who lives alone and rejects the society of his fellows, does not live according to his own nature. He has a social

nature, and it is natural for him to seek the association of other men. Aristotle said: "The individual when isolated is not self-sufficient, and therefore he is like a part in relation to the whole. But he who is unable to live in society or who has no need because he is sufficient for himself, must be either a beast or a god; he is not a part of a State." This great Greek philosopher also declared that man is naturally a political animal.

Civil Society.—Since the social instinct was planted in man by nature, he must recognize human ties. Since it is natural for him to desire association with others, he must seek a common life and fellowship. It follows that civil society is the result of the natural state of man. Nowhere in history can we find any account of the beginning of the body politic. We have no record showing that any convention of men ever met together and brought it into existence. It is an institution of God. It is of divine origin. In all ages men have lived together in families, tribes, nations. Some form of authority, some governing influence has held them together and put them under a law. Society was not created by man, but it was given to us by God. Coleridge says:

"God is everywhere! The God who framed
Mankind to be one MIGHTY FAMILY
Himself our father, and the world our home."

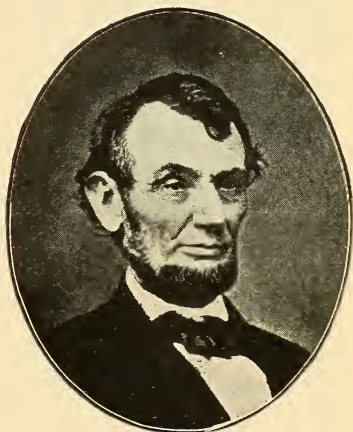
A Nation.—The United States is a nation and has the attributes of sovereignty and independence. "A nation is a people, or aggregation of men, existing in the form of an organized jural society, inhabiting a distinct portion of the earth, speaking the same language, using the same customs, possessing historic continuity, and distinguished from other like groups by their racial origin and characteristics, and generally, but not necessarily, living under the same government and sovereignty."

The States.—A State in its broadest sense is a term that "denotes a single homogeneous political society, or body politic, organized and administered under one government and one system of law." In America the word State is generally used

to denote one of the Commonwealths of our federal union. They are not entirely sovereign. They are subject to the sovereign authority of the national government. They are "political communities" constituting a certain part of the nation and possessing powers of self-government. These Commonwealths are not nations.

Sovereignty.—Sovereignty is "that public authority which commands in civil society and orders and directs what each is to perform, to obtain the end of its institution." Sovereignty exists in the minds of the people. The people are collectively the sovereign power. No one individual can inherit or acquire all of this sovereign power, but every individual is a part of this sovereignty.

Justice, Union, Liberty and Law.—Justice is an attribute of God. "It is a fundamental law of society which both the people and government are under obligation to obey." The authority organized to carry on the public functions of society should secure and enforce justice. A good government seeks to secure justice for each individual composing it. Union begins in the nature of man. We are not solitary but social beings. Civic union is from God. The nation is the product of nature. Law is the natural product of union, and liberty is the result of law. Law is necessary for the happiness and protection of the people, and in order to guarantee to each individual unrestricted power in the exercise and enjoyment of his rights. Without civil law each member



Abraham Lincoln.

President Lincoln, in speaking of reverence of the law, gave us the following words of wisdom:

"Let reverence of the law be breathed by every mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries and colleges; let it be written in primers, spelling-books, and almanacs; let it be preached from pulpits, and proclaimed in legislative halls; and enforced in courts of justice; in short, let it become the political religion of the nation."

of our Union would be a law unto himself, determining the justice of his own conduct and making demands on society that would be in harmony with the law and conduct of his own life. Without law, one self-debauched man without a purpose to control himself, would attempt to make society reflect the rule of his conduct. Without law there would be as many rules of conduct as there are individuals, and as a result, selfish desires and interests of men would clash. The life and property of citizens would be subjected to the vicious and depraved, and we would be denied our natural liberties. Putting society under the restraint of good laws is necessary to safeguard the rights of its members.

Obedience to Law.—A law is “a rule of life.” We owe obedience to every law on the statute books, whether we believe it is a good law or a bad one. Laws are made by the people, and they must be repealed by the same power. Many persons obey the law because they are forced to do so. They have no higher motive, and they are glad to see it go unexecuted. Simply obeying the law is only a part of the duty of a citizen of the United States. He is himself a part of the law. His voice and life are in it. It is his duty to be aggressive in seeing that the law is obeyed. One’s conduct toward a law which he does not endorse is a first-class criterion by which we can judge of his patriotism.

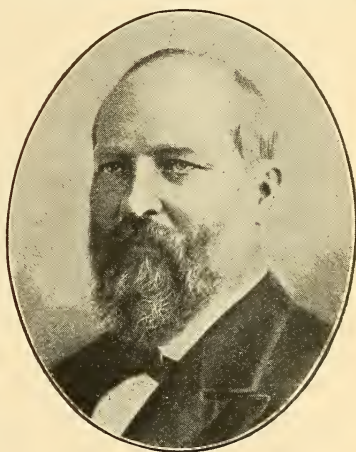
Repealing Bad Laws.—Not every law on the statute books is, in the opinion of every individual citizen, a good law. But, as we have seen, this does not excuse him from giving obedience to it. Our government protects him in freedom of thought, action, speech, and conscience; and if he does not believe in the justice of the law, it is his privilege, and it becomes his duty, to prosecute a campaign for public sentiment against it and to use every legitimate means to have it repealed. He has a right to discuss it in public conventions, and to lead in the nomination and election of men who will vote to repeal it. But, under no circumstances, has he the right to do other than to cheerfully obey it so long as it is a law. It was ordained by the people, and only this great jury can repeal it. “General

Grant never said a wiser thing than when he declared that the best way to treat a bad law was to enforce it strictly, and then its odious features would soon arrest attention and a considerate judgment of the majority would repeal it."

Rights.—A right is a just claim. It is "that which any one is entitled to have, or to do, or to require from others within the limits prescribed by law." In the United States rights are classed as political and civil.

Political Rights.—Political rights consist in the power of the citizen to participate in the establishment of his government and to aid in its administration by voting and holding office.

Civil Rights.—Every citizen has a right to enjoy life and defend his liberties. He has a right to use his mind in thinking for himself and in working out his own political creed. He has a right to be a member of the political party of his choice, or, if he desires, to champion an entirely new political idea. He has a right to think, write, and speak freely when he does not infringe on the rights of others. He has the right of freedom of conscience. He has the right to seek safety and happiness, acquire property and protect it. He has a right to be released on bail in bailable cases, and he is entitled to all the protection offered by the writ of habeas corpus. He has a right to a speedy trial and to appeal to the courts for protection for his person and property. He has a



James A. Garfield.

The following is from President James A. Garfield:

"The faith of our people in the stability and permanence of their institutions was like their faith in the eternal course of nature. Peace, liberty, and personal security were blessings as common and universal as sunshine and showers and fruitful seasons; and all sprang from a single source—the principle declared in the Pilgrim Covenant of 1620—that all owed due submission and obedience to the lawfully expressed will of the majority. This is not one of the doctrines of our political system—it is the system itself. It is our political firmament, in which all other truths are set, as stars in the heavens. It is the encasing air, the breath of the nation's life."

right to be secure against unlawful searches of his house and "to sue for damages any officer of the law who arrests him in an unlawful manner." Mr. Black, in his Law Dictionary, says: "Civil rights are such as belong to every citizen of the State or county, or, in a wider sense, to all its inhabitants, and are not connected with the organization or administration of government. These rights are such as belong to the juristic personality of the individual, or pertain to him as a member of the community. They include the right of freedom, of property, of marriage, of protection by the laws, etc."

Forfeited Rights.—A citizen may forfeit his rights by violating the laws of society. The criminal forfeited his right to liberty as well as to suffrage when he violated the civil law by taking property that did not belong to him. The murderer forfeited his right to life when he took without cause the life of his fellow-man. "It is competent to provide by law for a forfeiture of the right to participate in elections, as a punishment for conduct which the law forbids; but such punishment can only be imposed after trial and conviction."

The Right of Eminent Domain.—The right of eminent domain is a natural attribute of sovereignty. "It is the right of the nation or State or of those to whom the power has been lawfully delegated, to condemn private property to public use, and to appropriate the ownership and possession of such property for such use, upon paying to the owner a due compensation, to be ascertained according to law."

Forms of Government.—Aristotle divided governments into three general classes: Rule by one, monarchy; rule by the few, aristocracy; rule by the many, democracy. The following subdivisions of these three general forms of government may be made. Monarchies are either absolute or limited, hereditary or elective. Government by the few is an aristocracy and permits of no special subdivision. Democracies are either pure or representative. A people may adopt for their government a combination of two or more of these forms or a modification of any one of them. Most of the governments are mixtures of the different kinds.

Monarchies.—A monarchy is a form of government in which the controlling power is in the hands of one person. The heads of these governments are variously termed emperor, czar, sultan, king, prince, grand duke, duke. If one person possesses unlimited power, it is known as an absolute monarchy. If the power of the monarch is restrained by law and other powers, the government is known as a limited monarchy. There is no difference between an absolute monarchy and a despotism.

Absolute Monarchies.—In an absolute monarchy the laws are largely executed by force. The monarch has absolute control of his subjects. The will of the ruler is the law, whether it does or does not suit his subjects, and he keeps at his command a large force of armed and trained men ready to put into operation his plans and desires. An absolute monarchy is safer when its subjects are densely ignorant and slaves to their own passions and desires. A righteous citizenship would not submit to the unnatural rule of a despot.

Limited Monarchies.—In a limited monarchy the ruler is limited by constitutions and laws. The government of England is a limited monarchy. The power of the king is clearly defined.

Hereditary Monarchies.—An hereditary monarchy is one in which the succession to the throne is acquired by birth.

Elective Monarchies.—An elective monarchy is one in which the monarch is chosen by the votes of his subjects or a part of them.

Aristocracies.—An aristocracy is “a form of government in which the supreme power is vested in the principal persons of a state or in a privileged order; an oligarchy.”

Democracies.—A democracy is a government by the people. Freemen in a pure democracy have a right to meet in one assembly, to make and execute laws, and to look after the general interest of the government. A pure democracy can exist only in a country of limited territory.

Republics.—A republic is not a pure democracy, but a representative democracy. It is a government in which the

laws are made and executed by representatives elected by the people. The United States is a republic.

Patriarchies.—The oldest form of government is the patriarchal. This is a government of the family. The controlling authority is in the head of the family, who is known as the patriarch. Abraham was a patriarchal ruler.

Theocracies.—A theocracy is a control of "the state by the immediate direction or administration of God." This form of government became extinct before the beginning of the Christian era, at the subjugation of the Jewish people to the Roman power.

Colonial Governments.—A colonial government is the authority that governs provinces that belong to some nation. There were three kinds of colonial governments established in the colonies prior to the birth of the nation:

CHARTER, PROPRIETARY, PROVINCIAL.

CHARTER governments offered the people greater power and more freedom than any other form of colonial government. The charter was a "written permit" from the king authorizing the establishment of a government of a certain colony within a certain boundary. The charter outlined the kind of government to be established. The people of the colonies under this form of government were given the power to select a governor, a council, and an assembly. The governor of Massachusetts was, however, selected by the king after the year 1691. The people had the power to make and execute laws, but important measures had to be referred to the king for his approval. The assembly established courts and gave the governor the power to appoint judges.

PROPRIETARY GOVERNMENTS. Grants of territory and civil power in proprietary governments were made to an individual known as a proprietary, but the proprietaries appointed the governor, council, and judges. This form of colonial government had much power in making and executing laws. Nevertheless the sovereignty of the Mother Country was jealously guarded.

THE PROVINCIAL government consisted of a governor and

council appointed by the crown. It had a legislature consisting of two houses. The upper house was appointed by the king, and the lower house was elected by the people of the colonies. The governor had the power to veto any measure passed by the colonial legislature. The people, however, through the lower house had great power over the king in the regulation of taxes and other questions closely related to the people.

Early Local Governments.--If we study the nature of the governments established and operated prior to the birth of our nation, we will find that most of the leading principles of our present local, State, and national governments were endorsed, and in many ways established, during the colonial period. In addition to the three general forms of colonial government which we have already given, the colonies had subordinate governments that were local in their nature and operation. These organizations usually known as the town, county, or parish governments were local schools of politics that offered every citizen an excellent opportunity to be an active, working part of the government to which he belonged. These local governments had great influence in shaping political character and in developing the political thought of the American people.

The Town or Township.—The town or township government is in principle the oldest known form of government. "When people from New England first came to dwell in the wilderness of Massachusetts Bay, they settled in groups upon small, irregular-shaped patches of land, which soon came to be known as townships." Many causes entered into the establishment of the township government in America. The settlers had left the Old World mainly on account of religious persecution. They desired to establish colonies where they could worship God according to the dictates of their own consciences and where they could recognize the rights of the common people in local government. Having a common interest and desire, it was natural for them to settle in small areas where they could build their houses close together and worship God in the same church. They also desired close co-operation in

order to protect themselves against attacks of Indians, and this could not be accomplished if they were scattered at different points through the wilderness of the New World. The "meeting house" was located near the center of the town, and all the inhabitants, young and old, gathered at this place every Sunday. The government of the township is a pure democracy. The people directly govern themselves. All governmental questions, including business relating to taxation, are voted on in the "town meeting," and the grown-up men of the town are expected to be present to vote and aid in the administration of government. The governmental business of the township is usually transacted by executive magistrates known as selectmen. They vary in number according to the size of the town. The selectmen have many duties to perform and usually have great power in the administration of the local government. Other important officers of the town government are the town clerk, treasurer, constable, and assessor. In New England the town is the most important division of the State, and the county ranks first in the Southern and Western States. In some of the Western States and in most of the Middle States the powers of local government partake of the nature of both the town and the county. The reader will bear in mind that the town government exists only in part of the States. The power to administer local government is exercised by the county in most of those States where the town government is not found.

The County.—The county organization was another form of local government that was adopted by the colonies. This form of government was introduced largely by the Southern colonies. Mr. Hinsdale, in his excellent work on the American Government, in speaking of the Virginia county, said: "This was the political unit of the colony. But as the county could not well meet in county-meeting, as the New England town met in town-meeting, local government was representative, not democratic. The justices of the peace, usually eight in number, formed the county court. They were appointed by the governor, commonly on the nomination of the court itself, which made the court a close corporation like the vestry. The court

appointed its own clerk, who kept the county as well as the court records, nominated a list of three candidates from whom the governor appointed the sheriff. Besides its judicial functions, the court had charge of the construction of roads, highways, and bridges, appointed the constables, had charge of ferries, admitted attorneys to the practice of the law, licensed innkeepers, and, in early times, divided the county into parishes. The other county officers were the coroner, the surveyor, and the lieutenant, who was chief commander of the militia and administrator of the military laws. The county was represented by two burgesses in the Houses of Burgesses."

The government of other counties of the colonies was similar to that of the Virginia county which we have given.

SUGGESTIVE QUESTIONS.

Define government. Define civil government. Why is government necessary? What will a good government do for a people?

Will a good citizen take an interest in the administration of his government? Why?

Does it pay even from a business standpoint to be acquainted with the machinery of government?

Define society. Does the hermit live according to the law of his own being?

What was Aristotle's teaching concerning the social nature of man?

What is the origin of civil government? Define "body politic."

What is its origin? Is society a creature of man, or of God?

Define nation. Define State. Define sovereignty.

Where does sovereignty exist? Define justice, union, liberty, and law.

Give origin and necessity for each.

Will a good citizen be enthusiastic in obeying the law? Why?

What is the attitude of a good citizen toward a bad law?

What did General Grant say concerning the enforcement of law?

Define a right. Name and explain a few of the rights of man.

How may a citizen forfeit his rights?

Name the leading forms of government? Define each.

What is the difference between a pure democracy and a representative democracy? What is our government?

Name the forms of government of ten of the leading nations of the world.

Define colonial government.

How many forms of colonial government were inaugurated by the American colonies?

Name and tell about each. Tell what you know of early local governments.

QUESTION FOR DEBATE.

Resolved, That the officer of the law who turns the criminal over to the mob without using every means in his power to protect him, should be committed to the penitentiary for life.

CHAPTER X.

THIRTY-TWO OF THE STEPS AND CAUSES IN THE MAKING OF THE CONSTITUTION.

The Constitution.—The principle embodied in the national Constitution was vigorously championed by lovers of liberty long before the colonies were established and even before America was discovered. It was strongly developed during the fifth century by the Angles and Saxons, when they gained a victory over England. "The American Constitution is no exception to the rule that everything which has power to win the obedience and respect of men must have its roots deep in the past, and that the more slowly every institution has grown, so much the more enduring is it likely to prove. There is little in this Constitution that is absolutely new. There is much that is as old as Magna Charta." It was left to the brave American colonists who loved home and liberty to permanently organize and establish a system of constitutional government founded upon the inalienable rights of man. The idea the national Constitution stands for is clearly seen in the civic evolution of the thirteen United Colonies. Most of its principles were discussed in conventions and enacted into laws by the colonies before the Constitutional Convention met. Every citizen, home, school, church, and colony was a voice in the wilderness preparing the way for this civil law of liberty; every State was a university training its subjects in the ethics of a republic; every county and township was a school that taught and practiced a pure democracy. When the time came, the influences which sprung from the moral and intellectual wealth of a people trained in the school of self-reliance and self-government, produced a supreme law broad enough for the people of the earth and capable of meting out justice to each of them.

We now proceed to give thirty-two of the most prominent causes and steps that led to the framing of the national Constitution:

1

The Nobility of Man.—God gave the inalienable right of self-government to the people. He did not create one king to have supreme civil authority over them. “And God said, let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.”

2

The Soul.—God created man with a soul under God and higher than kings, monarchies, and aristocracies.

3

The King's Laws.—The king was the source of all law. He claimed the hereditary and divine right to govern without the consent of the people and considered himself the one sovereign power. The soul, however, was a law higher than the king's civil law, and, as a result, there was a clash between nature and the king's laws. This caused a deep restlessness and discontent among the people.

4

The Discovery of America.—Columbus discovered America and men immigrated from Europe to the New World for various reasons. Many came to escape oppression and the cruelties inflicted by a tyrannical government. They chose to live in accordance with their own nature.



5

Establishment of the Colonies.— At different periods during the early history of the country,

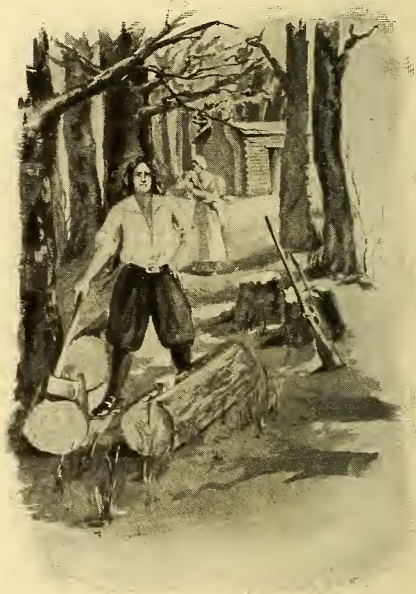
One of Columbus' Ships.

colonies were founded in New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia. These colonies, having been merged and organized, afterward became the thirteen original States. They had a gradual growth extending over a period from one hundred to one hundred and fifty years. Permanent settlements were made as follows:

Virginia	1607
New York	1614
Massachusetts	1620
New Jersey	1664
New Hampshire	1623
Maryland	1634
Connecticut	1633
Rhode Island	1636
Delaware	1638
Pennsylvania	1681
North Carolina	1663
South Carolina	1670
Georgia	1733

Theodore D. Woolsey, in speaking of the advantage of there being a number of colonies, said: "That which more than all things else determined the future of this country was the

number of colonies, together with their general similarity and their important differences. If there could have been one vast colony, under one government, extending along the whole line of coast from the French possessions to the Spanish settlements in Florida, it might have been strong and prosperous possibly, but the present United States would not have grown upon such a foundation. There was a necessity of just such a series of colonies as were actually planted, all animated by



Early Settlers.

a common English feeling and speaking the common English tongue, yet settled for different reasons, and, in a course of many years of self-government, developed into different entities, as well as having distinctive characteristics."

6

The Pilgrims.—The Pilgrims who landed at Plymouth in 1620 deserve special consideration. Their religious, intellectual, moral, and civic aggressiveness made them men of results. Their marks are carved deep in the development of our country and in the character of our citizenship and institutions. They were thrifty, industrious, self-reliant, and had the power of self-government. The Mayflower Compact, which we give below, reads like the beginning of our government. It is certainly the embryo of a republic:

"In ye name of God, Amen; we, whose names are underwritten, the loyall subjects of our dread sovereigne King James, by ye grace of God, of Great Britaine, Franc, and Ireland King, defender of ye faith, etc., haveing undertaken, for ye glorie of God, and advancemente of the Christian Faith and honor of our king and countrie, a voyage to plant ye first colonie in ye Northerne parts of Virginia, doe, by these presents, solemnly and mutually, in

THE MAYFLOWER.

Mr. Edward Everett wrote concerning the Mayflower in the following language:

"Methinks I see it now, that one solitary, adventurous vessel, the Mayflower of a forlorn hope, freighted with the prospects of a future state, and bound across the unknown sea, I behold it pursuing, with a thousand misgivings, the uncertain, the tedious voyage. Suns rise and set, and weeks and months pass, and winter surprises them on the deep, but brings them not the sight of the wished-for shore. I see them now, scantily supplied with provisions, crowded almost to suffocation in their ill-stored prison, delayed by calms, pursuing a circuitous route, and now driven in fury before the raging tempest, on the high and giddy waves. The awful voice of the storm howls through the rigging; the laboring masts seem straining from their base; the dismal sound of the pumps is heard; the ship leaps, as it were, madly, from billow to billow; the ocean breaks and settles with engulfing floods over the floating deck, and beats with deadening, shivering weight against the staggered vessel. I see them, escaped from these perils, pursuing their all but desperate undertaking, and landing at last, after five months' passage, on the ice-clad rocks of Plymouth, weak and weary from the voyage, poorly armed, scantily provisioned, depending on the charity of their shipmaster for a draught of beer on board, drinking nothing but water on shore, without shelter, without means, surrounded by hostile tribes."

ye presence of God, and one of another, covenant and combine ourselves together into a civill body politick, for our better ordering and preservation and furtherance of ye ends aforesaid; and, by vertue heareof, to enact, constitute, and frame, such just and equall laws, ordenances, acts, constitutions, and offices, from time to time, as shall be thought most meete and convenient for ye generall good of the Colonie. Unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names, at Cape Codd, ye 11th of November, in the year of the raigne of our soveraigne Lord, King James, of England, France, and Ireland ye eighteenth, and of Scotland ye fifty-fourth, Anno Domini, 1620."

7

Religious Zeal.—Loyalty to God and a devout faith in His power characterized every act and word of the colonists. They organized a government under the Mayflower Compact in order "to plant a colony for the glory of God, the advancement of the Christian faith, and the honor of our king." They enacted the Fundamental Orders of Connecticut that they might "maintain and preserve the liberty and purity of the Gospel of our Lord Jesus, which we now profess." Prayer-meetings, sacred singing schools, Bible classes, and church services were organized and conducted in homes, log churches, and in the open air. Everything was done for the glory of God and for the advancement of man.



Pioneer Church.



THE LANDING OF THE PILGRIMS.

"The Pilgrim Fathers—where are they?
The waves that brought them o'er
Still roll in the bay, and throw their spray
As they break along the shore;
Still roll in the bay, as they rolled that day
When the Mayflower moored below,
When the sea around was black with storms,
And white the shore with snow.

"The mists that wrapped the Pilgrim's sleep
Still brood upon the tide;
And the rocks yet keep their watch by the deep,
To stay its waves of pride.
But the snow-white sail, that gave to the gale
When the heavens looked dark, is gone;
As an angel's wing, through an opening cloud,
Is seen, and then withdrawn."

8

The Character and Personality of the Colonists.—

It is true that not every person who came to the new country was an ideal citizen. A few were speculative fellows who came hoping to find a fortune without working for it. Some were criminals fleeing from the law of the Mother Country, and others came for adventure and to satisfy a fickle, vacillating, roaming life. There were very few, if any, grafters and corruptionists seeking to poison the fountain of colonial justice. Indeed, the leaders of the colonists were moral and intellectual giants with broad conceptions and liberal thoughts of the true meaning of life. They came in response to a call from God, whose still small voice whispered the name of a republic in their consciences. They came to improve their religious, social, educational, and material surroundings. They founded a State by contributing to it their work, patience, lofty ideals, knowledge and wisdom, and their lives consecrated with love. "They live in all that perpetuates the remembrance of men on earth; in the recorded proofs of their own great actions, in the offspring of their intellect, in the deep engraved lines of public gratitude, and in the respect and homage of mankind. They live in their example; and they live, emphatically, and will live in the influence which their lives and efforts, their principles and opinions now exercise, and will continue to exercise, on the affairs of men, not only in their own country, but throughout the civilized world."



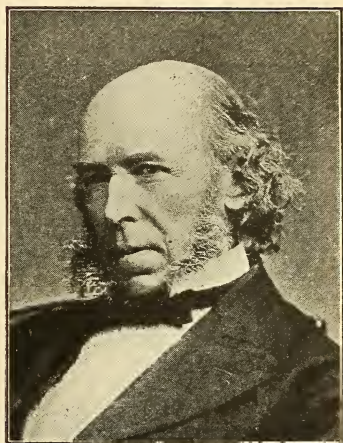
William Penn.

"God sifted the whole nation that he might send choice grain out into the wilderness."

9

A School of Self-Reliance.—

The tree was felled, the log-house built, the garden cleared and planted by the colonists. Their lives and habits were simple, their hearts were brave, their faith inspiring, and their love boundless. They suffered great hardships from cold, hunger, depredations of savage tribes, and jealousies of men and kings. But all this was a school that trained their souls in sturdy manhood. It developed colonies of Davids armed with the sling of truth. The children were taught the principles of self-reliance; the girls helped their mothers and the boys helped their fathers. If they wanted whistles and other toys, they were required to gather the material from the forest and make them with their own hands. The boys learned at an early age to explore the unknown forest and work out a way to cross unbridged creeks and rivers. They were being disciplined for a great purpose, for a great conflict for freedom.



Herbert Spencer.

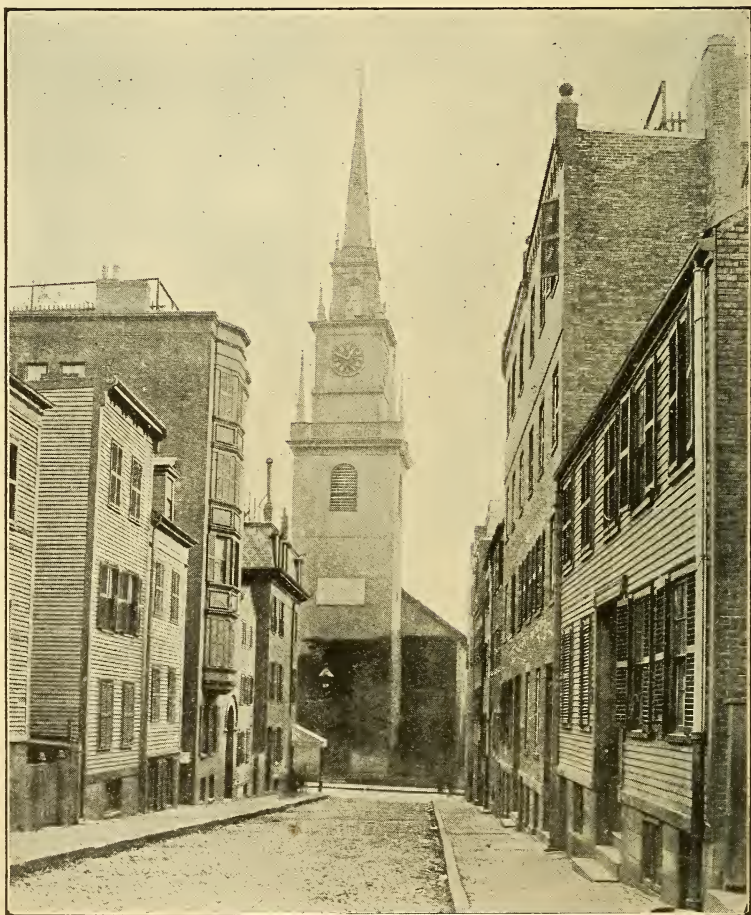
Herbert Spencer, in writing of future civilization, said:

"It is to be inferred from biological truths that the eventual mixture of the allied varieties of the Aryan race will produce a more powerful type of man than has hitherto existed—a type more plastic, more adaptable, and more capable of understanding the modification needful for complete social life, and that whatever tribulations they may have to pass through, the Americans may reasonably look forward to a time when they will have produced a civilization grander than any the world has known."

10

The Church and the School.—The colonists knew that the boys and girls who were to become the next generation must be directed in their education, or else a self-enslaved and oppressed people would ultimately inhabit the colonies.

They believed in schools and churches and made great sacrifices in order to have them. The following school law was enacted in Massachusetts in 1647: "Every township in



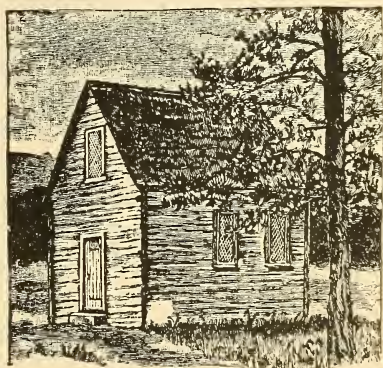
Old North Church.

this jurisdiction, after the Lord hath increased them to the number of fifty householders, shall then forthwith appoint one within their town to teach all such children as shall resort to

him to write and read . . .; also that where any town shall increase to the number of one hundred householders, they shall set up a grammar school, the master thereof being able to instruct youth as far as they may be fitted for the university."

Horace Mann wrote: "In 1647 when a few scattered and feeble settlements, almost buried in the depths of the forest, were all that constituted the colony of Massachusetts; when the entire population consisted of twenty-one thousand souls; when the external means of the people were small, their dwellings humble, and their raiment and substance scanty and homely; when the whole valuation of all the colonial estates, both public and private, would hardly equal the inventory of many a private individual at the present day; when the fierce eye of the savage was nightly seen glaring from the edge of the surrounding wilderness and no defense was at hand—it was then, amid all these privations and dangers, that the Pilgrim Fathers conceived the magnificent idea of a free and universal education for the people. And amid all their poverty they stinted themselves to a still scantier pittance; amid all their toils they imposed upon themselves still more burdensome labors; amid all their perils they braved still greater dangers, that they might find the time and the means to reduce their grand conception to practice."

"Two divine ideas filled their hearts—their duty to God and to posterity. For the one they built the church; for the other they opened the school. Religion and knowledge! Two attributes of the same glorious and eternal truth, and that truth the only one upon which immortal or mortal happiness can be securely founded."



Roger Williams' Church in Salem (1633).

11

The Tyrannical King.—King Charles II. was a self-enslaved, dissipated egotist without principle or honor. The colonists were free men in the world of self, but were under the fictitious civil authority of this king, who claimed the "Divine Right" to rule and oppress the people. He knew he was unworthy the humblest colonist, and he was afraid these great men might get from under his rule and establish before an enlightened people and a just God their rights to govern themselves. He could not have failed to realize the lofty sentiment and brave spirit which caused the colonists to seek refuge in a new country, where liberty and life in their best and broadest meaning could be secured. The king and his supporters decided they needed more money as well as wine, and they declared that America and Americans were made for the king of England and that the "colonists existed to fill the treasury of the Mother Country."



Charles II.

12

Colonial Prosperity and Commerce.—A vast continent full of resources was before the colonists, and they knew that intelligent labor was the genius that would produce commercial prosperity. They were not only industrious, but temperate and economical. They made great progress in agriculture, lumbering, fisheries, and other enterprises, and they developed wealth and commercial power rapidly. While they were laboring to make an honest living and to educate their children and to secure the means to build churches and schools and help humanity, the king of Great Britain and his assistants were living a dissipated life. The only interest the king had in the colonies was one prompted by a desire to increase the wealth and power of the Mother Country—an interest indeed that did not extend beyond commerce. Lord Sheffield remarked: "The

only use of the American colonies is the monopoly of their consumption and the carriage of their produce." The king wanted more money; and watched the commercial development of the colonies and instituted plans to take away from them the product of their toil by the passing of exacting laws and a policy of oppression.

13

The League of the New England Colonies.—A league that lasted forty-one years was formed in 1643 by Massachusetts, Plymouth, New Haven, and Connecticut. "Later New Hampshire became a member of the league, but the two other New England colonies, Rhode Island and Maine, which we might have expected to find included also, were left out on religious grounds." This union was for mutual protection against the Indians, and to resist the encroachments of the Dutch and the French. It was known as the "League of the New England Colonies." Two commissioners from each colony met in one council to manage the affairs of the league. It had great influence in developing self-government and in creating a sentiment for union among the colonists.

14

The Albany Congress.—In 1754, more than one hundred years after the formation of the league, the king of England advised the colonies to unite for a common defense. This was done on account of the strained relations between the French and the English over their possessions in America. At a congress called at Albany in 1754, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland were represented. This congress agreed on a plan of government furnished by Benjamin Franklin, but the king thought it gave the colonies too much power; and, as a result, it never went into effect. This congress, however, brought the colonies closer together and offered them additional oppor-

tunities to study their needs and the principles of self-government. The charter of the League of the New England Colonies, and Franklin's and Penn's plan of union, and other documents, which led to the formation of the Constitution, are given in the appendix to this book.

15

The Navigation Acts.—Many laws of oppression were passed by the English government. They first decided that all trade with the colonies must be in English ships, and a little later they added "English-built ships." New laws required the colonies to purchase only in the English market. Then a five-per-cent. tax was put upon all colonial imports and exports. The colonies were not allowed to buy a paper of pins or a pocket knife or any other article from any country but England. A general system of oppression by taxation without the consent of the colonies was instituted. The colonies were growing and gaining strength. They were making money, and the king wanted it. He put no moral conscience in his methods of enriching himself and the Mother Country. Writs were issued permitting property and stores to be searched for smuggled goods. This caused great excitement and indignation among the merchants and the people. In 1761 James Otis championed the right of the colonies and led a campaign against the policy of England.

16

The Stamp Act Congress.—King George III. and his ministry, now at the head of the government of England, believed in taxing the colonies, though they opposed extending representation to them. They paid no attention to the grievances or petitions of the colonies. Eleven years passed after the dissolution of the Albany Convention before another inter-colonial congress met.

On March 22, 1765, the famous Stamp Act was passed by the Parliament of England without the consent of the people of

the colonies. This imposed "stamp duties on all legal documents, marriage licenses, and publications of every description." The colonies justly claimed that the English government had no right to tax them without representation. The people objected and stood almost as a unit against the conduct of England. This led to the calling of the Stamp Act Congress, which met in New York, October 7, 1765. All the colonies, except New Hampshire, Georgia, Virginia, and North Carolina were represented. This Congress sent a communication to the king of England, petitioned Parliament, and declared in favor of the natural rights of the colonies.



George III.

17

A General Statement of Rights.—In 1767 many acts passed Parliament which virtually destroyed the self-government of the colonies and made the policy of England more despotic than before. Among the acts passed were the Townshend Act.



Faneuil Hall, "The Cradle of Liberty."

In 1768 Samuel Adams, then a member of the Assembly of Massachusetts, was instructed by the Legislature of his State to write letters to all the colonies, asking them to join Massachusetts in resisting the Townshend and other unjust acts. They responded, agreeing to join in such an effort. The ministry of England called the letter written by Adams "an act of rebellion" and demanded that the Massachusetts Assembly

rescind it. But the Assembly by an overwhelming vote refused; whereupon it was dissolved by the authority of England through the Governor of Massachusetts. The Assemblies of other States were also dissolved by their Governors. The people of the colonies were angry, and they very properly felt that they had been outraged by the tyranny of England. Town meetings to give expression to popular sentiment were held in Boston and thronged Faneuil Hall, which from that day has been called the "Cradle of Liberty."

In 1768 while the Townshend and other tyrannical acts were being enforced, citizens of Boston were being impressed as seamen. John Hancock's sloop, "Liberty," was seized. English troops were being sent to Boston, and a general discontent prevailed over all the country. It was at this time that Samuel Adams, under the signature "Vindex," wrote a number of articles in order to show:

1. "That a standing army for the king in time of peace without the consent of Parliament was against the law."
2. "That the consent of Parliament necessarily implied the consent of the people, who were always present at Parliament, either by themselves or by their representatives."
3. "That the Americans, as they were not there, could not be represented in Parliament, and were therefore under military rule, under which they were allowed to exercise no control."

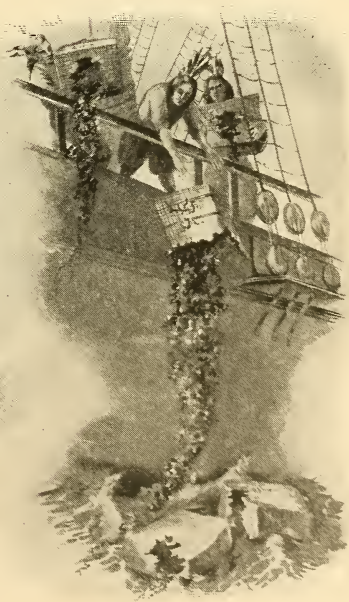
18

Colonial Committees of Correspondence.—In 1773 a plan was devised to keep the colonies in touch with each other. This was done through the appointment of colonial committees of correspondence. Massachusetts had previously adopted the plan of having various local committees of correspondence representing her different towns and communities. It was the duty of these local committees to consider the rights and grievances of citizens and to ascertain the public opinion in regard to them and report the same to the State government. Virginia was pleased with the thought embodied in this plan

and suggested that it be carried further and not only have local committees for each State but that a system of colonial committees of correspondence be appointed. The object of these committees was to bring the colonies closer together, create bureaus of information, and secure the highest co-operation between all of the colonies. A committee was appointed by the Virginia Assembly in 1773. All the other colonies followed her example, except Pennsylvania. This step had a great influence in bringing the colonies closer together, and, no doubt, had much to do in the creating of sentiment for an indissoluble Union.

19

The Tea Thrown Overboard.—Duties were laid upon paint, lead, glass, paper, and tea without the consent or advice of the colonies. They made a vigorous protest, which was at first unheeded; but the feeling grew so intense that the English government repealed the tax on all the articles except tea and retained the tax on this in order to show England's authority and establish its power to tax a people without their representation. This act only defined the issue and intensified the feelings of an outraged people. It was not the payment of money for taxes they objected to so much as the principle involved. They refused to purchase tea. The British vessels, loaded with tea, were boarded one night by patriots disguised as Indians,



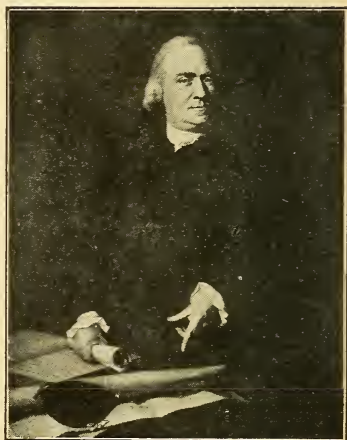
The Boston "Tea Party."

who threw the tea overboard. Possibly no one incident in the history of the colonies did more than the throwing of the tea overboard, to widen the breach between the English and colonial governments.

20

The First Continental Congress.—During the nine years that elapsed between the meeting of the Stamp Act Congress and the First Continental Congress many interesting and stirring events happened.

A popular sentiment for the union of the colonies had grown, and, on the recommendation of the Court of Massachusetts, in which Samuel Adams played a prominent and bold hand, the First Continental Congress was called to meet at Philadelphia, September 5, 1774. It was in the eyes of England a revolutionary body. Strong declarations of rights were adopted by this congress. "In some cases some of the delegates to Congress were appointed by the Lower House of the Assembly, and in other cases by conventions of the people." All the colonies were represented, except Georgia. This Congress recommended the calling of another Congress in May of the next year.



Samuel Adams.

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Driven from every other corner of the earth, freedom of thought and the right of private judgment in matters of conscience direct their course to this happy country as their last asylum. Let us cherish the noble guests! Let us shelter them under the wings of universal toleration! Be this the seat of unbounded religious freedom! She will bring with her, in her train, industry, wisdom, and commerce.

—Samuel Adams.

Mr. Friedenwald, in his excellent book on the Declaration of Independence, says: "In the meantime, as assemblies were being prorogued throughout the colonies, and as this administrative machinery was in danger of breaking down, recourse was had to a new expedient for political control, the committees of correspondence. At first appointed by the assemblies, they gradually came into existence almost everywhere by original authority of the people, and their variety of forms made necessary by difference of conditions, is a striking witness to the wide diffusion of, familiarity with, and capacity for political organization. They served to keep the colonists in touch with each other, by extending their activities even beyond the bounds of the individual colonies. They thus performed the function of an intercolonial clearing house, through which the inhabitants of one colony were made familiar with the occurrences taking place in another. When, therefore, Great Britain in 1774 began her policy of attempting to coerce the colonies into submission, it was too late to meet with success, for an effective instrument for resistance had been developed as the result of the previous ten years of discussion. Moreover, as was ultimately proved, the colonists were willing to sacrifice their all for the maintenance of the principles which they firmly believed were involved. Familiarity with the uses to which their extra-legal committee organizations could be put, for purposes of colonial and intercolonial communication, made it natural that still greater reliance should be placed upon them when the question of convening a continental congress for mutual support was before them. Thus it happened, that of the twelve colonies sending delegates to the Congress, but five acted through their assemblies, though three of these were so completely in control of the revolutionists as scarcely to be of significance in this connection. All of the remaining delegations were chosen by some form of committee organization.

The Congress which convened at Carpenter's Hall in Philadelphia on September 5, 1774, had, therefore, a much more popular basis than any Congress heretofore called together."



Independence Hall, Philadelphia.

From a Carbon Photograph, Copyright 1898 by A. W. Elson & Co., Boston.

21

Second Continental Congress.—The Second Continental Congress convened in Independence Hall, Philadelphia, Pennsylvania, May 10, 1775, and existed until March 4, 1789. All

the thirteen colonies were represented. George Washington, John Adams, John Jay, Peyton Randolph, Roger Sherman, Richard Henry Lee, Patrick Henry, Benjamin Franklin, and many more of the greatest men known in American history were delegates to this Congress. Possibly no congress of men in the history of the world has ever represented so much knowledge and wisdom and devotion to country and right as the delegates to this Continental Congress. "Early in its history this Second Congress had drafted a new petition to the king, generally known as the 'olive branch' petition. To this the king did not even pay the courtesy of a formal answer. Instead, he issued a proclamation declaring the colonists to be rebels, closing the American ports, and warning foreign nations not to trade." While the petitions of the colonies had failed to secure a cessation of oppression and unjust legislation, it was still believed at the time of the assembling of the congress that some kind of compromise could be made. But, shortly after they assembled it became apparent that they would be forced to declare their independence and fight for their liberty. The battle of Lexington was fought April 19, 1775, and many wrongs and open injustices were practiced before the Continental Congress took decisive action. It was during this Congress that Patrick Henry used the following historical words: "British oppression has effaced the boundaries of the several colonies; the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more."

22

Epitome of the Acts of King George III.—"The following is an epitome of the first sixteen years of his reign: The colonies were taxed internally and externally; their essential interests sacrificed to individuals in Great Britain; their Legislatures suspended; charters annulled; trials by jury taken away; their persons subjected to transportation across the Atlantic, and to trial before foreign judicatories; their suppli-



BATTLE OF LEXINGTON.

cations for redress thought beneath answer; themselves published as cowards in the councils of their mother country and courts of Europe; armed troops sent among them to enforce submission to these violences; and actual hostilities commenced against them. No alternative was presented but resistance or unconditional submission. Between these there could be no hesitation. They closed in the appeal to arms. They declared themselves independent States. They confederated together into one great republic, thus securing to every State the benefit of an union of their whole force."

—Thomas Jefferson.

23

Independence Declared.—On May 15, 1776, Virginia instructed her delegates in the Continental Congress to propose a declaration of independence of the colonies. The sentiment for independence had grown rapidly, and Congress appointed, June 11, 1776,

a committee of five to draft articles of declaration. The committee was composed of Thomas Jefferson, Samuel Adams, Benjamin Franklin, Roger Sherman, and R. R. Livingston. Jefferson wrote the declaration.

Mr. Richard Henry Lee introduced into the Continental Congress, June 7, 1776, a resolution declaring the independence

Mr. Richard Henry Lee, in speaking of the resolution declaring the independence of the colonies, said in part:

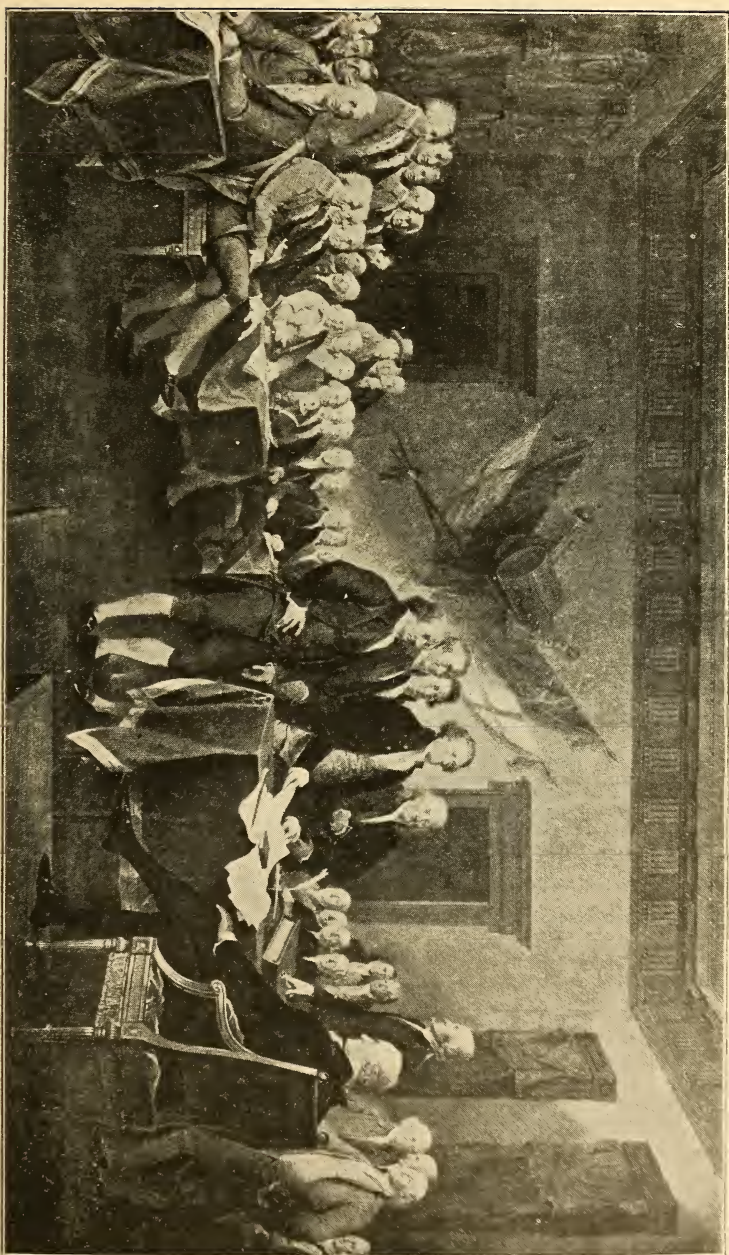
"The time will certainly come when the fated separation between the mother country and these colonies must take place, whether you will or not, for it is so decreed by the very nature of things, by the progressive increase of our population, the fertility of our soil, the extent of our territory, the industry of our countrymen, and the immensity of the ocean which separates the two countries. And if this be true, as it is most true, who does not see that the sooner it takes place the better—that it would be the height of folly not to seize the present occasion, when British injustice has filled all hearts with indignation, inspired all minds with courage, united all opinions in one, and put arms in every hand? And how long must we traverse three thousand miles of stormy sea to solicit of arrogant and insolent men either counsel or commands to regulate our domestic affairs? From what we have already achieved it is easy to presume what we shall hereafter accomplish. Experience is the source of sage counsels, and liberty is the mother of great men. Have you not seen the enemy driven from Lexington by citizens armed and assembled in one day? Already their most celebrated generals have yielded in Boston to the skill of ours. Already their seamen, repulsed from our coasts, wander over the ocean, the sport of tempests and the prey of famine. Let us hail the favorable omen, and fight, not for the sake of knowing on what terms we are to be the slaves of England, but to secure to ourselves a free existence, to found a just and independent government."

of the united colonies. The resolution was seconded by John Adams. A great debate, which lasted until the 10th, followed the introduction of the resolution. Further consideration of the resolution was postponed until July 1st. On July 2d the Continental Congress, representing all the colonies except New York, adopted the resolution which is given below:

“Resolved, That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.”

24.

The Birth of the Nation.—It is difficult for an American of this age, when all patriots believe in and are loyal to the Federal government, to fully realize the separateness of the colonies during the period of civic evolution that finally led to the organization and establishment of our Union. It took a century and a half even after the formation of the first inter-colonial league before the American government could be established under the Federal Constitution. If nature and necessity had not demanded union, it is more than likely that this country of ours, instead of being one nation, would have been composed of several Federal Commonwealths. Mr. Boynton, in his excellent book on civics, says: “It may fairly be said that until the revolution was actually upon them, the colonies were more distinctly conscious of their separateness than their unity, and, on the whole, more desirous of maintaining it. From the beginning every colony had been politically separate from every other; and if, as happened once or twice, a league was formed for the accomplishment of a specific purpose, the colonies concerned took good care to make it clear that they meant to surrender no part of their independence. In spite of their physical nearness there was no more political connection between New York and Virginia than between New York and the British possessions in India. Both were more



SIGNING THE DECLARATION OF INDEPENDENCE.

or less directly subject to the home government, and that was all. Even geographically, the colonies were less closely united than they seem to us now. Had they been planted along some great interior waterway like the Mississippi, commercial necessities would soon have forced them into some sort of union; but scattered, as they were, along the coast, each possessing its own coast line, its own harbors, and its own interior waterways, it was possible for them to remain for an indefinite period commercially independent of each other. Moreover, communication between the colonies was by no means easy. In the stormy winter the voyage along the coast was dangerous and difficult, while the land journey, lying often through pathless wildernesses, was even slower and more perilous. To travel from Charleston to Boston by land required as much time and involved no fewer hardships than did a voyage across the ocean. Industrial differences, too, kept the colonies apart. Here shipping was the chief industry; there wealth consisted principally of slaves; elsewhere the population was made up mostly of small farmers. And, finally, it should be remembered population was in many regions so sparse and governmental action so little felt either in the way of assistance or restraint, that many of the colonies hesitated to subject themselves to a new government lest they should lose their cherished independence. Of local pride and patriotism there was enough and to spare; but it was only the stress of the approaching revolution that quickened into life the feeling of national unity. Until then, as has been said, 'with the exception of the larger spirits, Carolinians were content to be Carolinians, Virginians to be Virginians, New Yorkers to be New Yorkers.'

The committee appointed by the Second Continental Congress reported the Declaration of Independence, and it was adopted July 4, 1776. Its adoption was the birth of a new nation embodying the progressive idea of the colonies and of the civilized countries of the world. Every word of the declaration was dictated by a deep love for humanity and a breadth and depth of thought that can only possess men of piety and courage. It was a righteous soul-asserting power that caused them to declare as follows:

"We, therefore, the Representatives of the United States of America in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do. And for the support of this declaration, with firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor."

Continental Congresses continued to meet with only short periods of intermission from this time until the ratification of our present Constitution.

Reflections on the Declaration of Independence.—The Declaration of Independence made the Revolutionary War imminent.

It changed the colonies into American Commonwealths by severing the bonds that bound them to England.

It made out of these States a Union known as the United States of America.

It unified the desires and efforts of the colonies and brought about a concerted effort for independence.

It created a union with authority to appoint a commander-in-chief and to wage war in the interest of liberty.

It caused the States to re-organize their governments and adjust their laws in order to make them harmonize with the governmental authority expressed in the Declaration of Independence.

It finally led to a complete overthrow of the tyrannical rule of England and to the establishment of our great republic that now stands first among the nations of the world.

LIBERTY BELL.

"There was a time when the echo of that Bell awoke a world slumbering in tyranny and crime."



The Liberty Bell was cast in England in 1752. It is now fractured, but is carefully preserved as a sacred historical relic of the past. The ringing of the bell in Independence Hall, Philadelphia, announced the adoption of the Declaration of Independence.

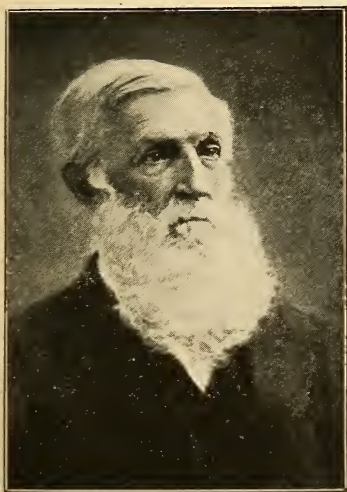
"That old State-house bell is silent,
Hushed is now its clamorous tongue,
But the spirit it awakened
Still is living—ever young;
And when we greet the smiling sunlight,
On the Fourth of each July,
We will ne'er forget the bell-man,
Who, betwixt the earth and sky,
Rang out loudly, 'Independence!'
Which, please God, shall never die."

25

Articles of Confederation.--The Americans knew that their action in declaring they were free and independent would precipitate a fierce struggle with England, and the Second Continental Congress took immediate steps to form a stronger central government. A committee was appointed to prepare a plan and write a Constitution, and, as a result, the Articles of Confederation were reported. They were adopted November 15, 1777. They were ratified by all of the thirteen States. Maryland did not ratify until March 1, 1781, which was nearly five years after the Declaration of Independence.

26

The Revolution.--The colonists never had any intention of declaring their independence until after the Second Conti-



George Bancroft.

THE REVOLUTION.

The following interesting lines were written by Mr. George Bancroft:

"The American Revolution, essaying to unfold the principles which organized its events, and bound to keep faith with the ashes of its heroes, was most radical in its character, yet achieved with such benign tranquillity that even conservatism hesitated to censure. A civil war armed men of the same ancestry against each other, yet for the advancement of the principles of everlasting peace and universal brotherhood. A new plebeian democracy took its place by the side of the proudest empires. Religion was disenthralled from civil institutions; thought obtained for itself free utterance by speech and by the press; industry was commissioned to follow the bent of its own genius; the system of commercial restrictions between States was reprobated and shattered, and the oceans were enfranchised for every peaceful keel. International law was humanized and softened, and a new, milder, and more just maritime code was concerted and enforced. The trade in slaves was branded and restrained. The language of Bacon and Milton, of Chatham and Washington, became so diffused that, in every zone, and almost in every longitude, childhood lisps the English

tongue. The equality of all men was declared, personal freedom secured in its complete individuality, and common consent recognized as the only just origin of fundamental laws, so that in thirteen separate States, with ample territory for creating more, the inhabitants of each formed their own political institutions. By the side of the principle of the freedom of the individual and the freedom of the separate States, the noblest work of human intellect was consummated in a Federal Union, and that union put away every motive to its destruction by insuring to each successive generation the right to amend its Constitution according to the increasing intelligence of the living people."

mental Congress had assembled and the battles of Lexington and Concord had been fought. However, the War of the Revolution was, from the time of the landing of the Pilgrims, inevitable. It was the natural protest of a great people, trained in a new world of self-reliance, where all men were taught to respect and love individual liberty and the sovereign rights of all the people. It was a fight for the freedom of an enlightened conscience against arbitrary powers and tyranny.

27

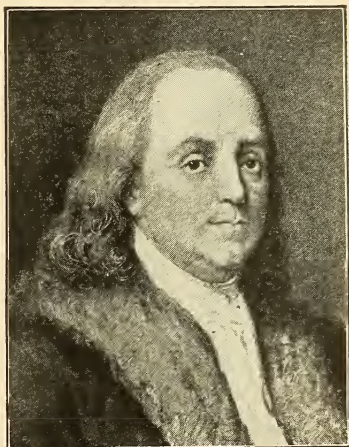
Defects in the Articles of Confederation.—Under the Articles of Confederation the supreme civil power remained in each State. The government of the thirteen united colonies was, under the Articles of Confederation, of the nature of an agreement between States for the common defense of all the people of the States. Under this form of government there could be no nation, for each State retained its sovereignty and independence. The following are a few of the leading defects of the Articles of Confederation:

1. It provided for only one department of government vested in a Congress.
2. The Congress consisted of but one House.
3. Congress could make certain laws, but could not enforce them.
4. It could lay taxes for the ordinary expenses of the government, but could not enforce the payment of such taxes.
5. It had no power to regulate foreign commerce, assess duties, or collect them.
6. It had no power to enforce treaties.
7. The sovereignty of each State being higher than the authority of the Confederation of the Thirteen Colonies, there was no central power to settle differences between States.
8. Each State, regardless of population, had but one vote.
9. It had no Federal Judiciary.
10. The articles could not be amended except by a unanimous vote.

The different States withdrew by degrees their influence from the central government. The work of Congress was frequently blocked or delayed on account of the States failing to send sufficient delegates to transact important business. National appeals for money went unheeded, a general dissatisfaction among the States in their relations to each other existed. They were involved in frequent quarrels over questions of trade and other matters. Many difficulties, vexing, and dangerous conditions threatened the liberties and rights of the people on account of the loose and defective government under which they operated. Under the Articles of Confederation, the general government was helpless and could do but little to relieve the internal distress of the States and secure order and justice for all the people. It became evident to the public mind, in 1786, that the Articles of Confederation would have to be amended in order to right the wrongs that existed.

28

The Constitutional Convention.—We have seen that the States under the Articles of Confederation experienced much difficulty in solving many questions that came before them. The regulation of commerce between the States was especially difficult. A



Franklin.

The following words were spoken in the Constitutional Convention by Franklin:

"How has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of Light to illuminate our understandings? In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for the divine protection. Our prayers, sir, were heard, and they were graciously answered. Have we now forgotten that Powerful Friend, or do we imagine we no longer need His assistance? I have lived, sir, a long time; and the longer I live the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow can not fall to the ground without His notice, is it probable that an empire can rise without His aid?"

difference arose between Virginia and Maryland over navigation on the Potomac River and the Chesapeake Bay, and in 1785 a commission from these two States was appointed to meet at Alexandria for the purpose of adjusting these difficulties. This was the beginning of a movement that finally led to the calling of the Constitutional Convention, for before that commission adjourned the Virginia delegates proposed the calling of another commission to be composed of the delegates from all the States to meet in Annapolis for the purpose of discussing trade and other relations. The proposal met with favor and the convention was called to meet at Annapolis in 1786. When the time arrived for calling the convention together for the transaction of business, it was found that representatives were present from only five States. With this incomplete representation, the convention decided that it would be useless to consider the real purpose for which the convention had assembled. It was discovered, however, that the delegates present were strongly in favor of revising the Articles of Confederation, and, on motion, the commission passed a resolution recommending a convention of delegates from all of the States to meet in convention for the purpose of changing the articles. Copies of the resolution were sent to Congress, and the Legislatures of different States.

The Second Continental Congress passed a resolution February 21, 1787, calling a convention from the several States to meet at Philadelphia on the second Monday in May, 1787, for the purpose of revising the Articles of Confederation and offering such amendments as the convention deemed necessary. It was May 14th, however, before enough delegates had arrived to enable the convention to organize for the transaction of business. The convention held daily sessions behind closed doors for four months. Men of great ability, intelligence, character, patriotism, political foresight, took the lead in the work of the convention. Washington, Franklin, Hamilton, Madison, Mason, Randolph, Dickinson, and many more great Americans were members of the convention. The Federal Constitution speaks for the work of the convention.

29

Report of the Constitutional Convention.—The following resolution, adopted by the Constitutional Convention, together with a copy of the proposed new Constitution and a letter from General Washington, president of the convention, was sent to the Continental Congress:

“In Convention, Monday, September 17, 1787.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention that it should afterward be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this convention that as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the electors should be appointed and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for the President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

“By the unanimous order of the Convention,

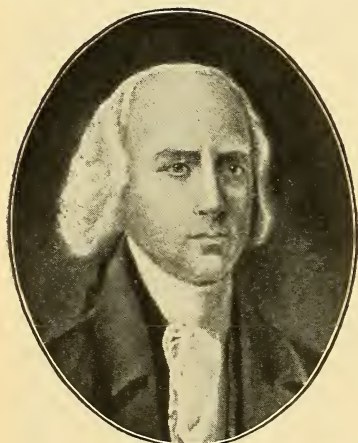
“GEORGE WASHINGTON, President.

“WILLIAM JACKSON, Secretary.”

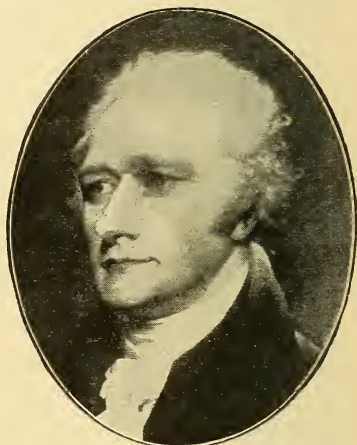
30

The New Constitution Submitted to the States by the Continental Congress.—On receipt of the report of the convention, Congress passed the following resolution:

“Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted



James Madison.

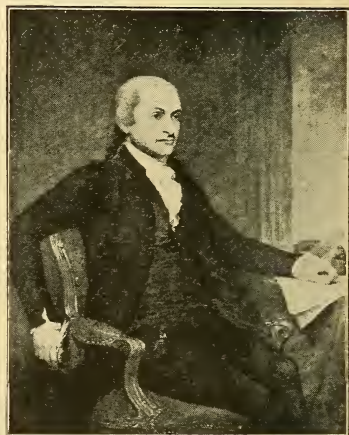


Alexander Hamilton.

to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case.”

31

Ratification.—Conventions were called in the different States to ratify the new Constitution. The most intense excitement followed. The work of the Constitutional Convention was attacked



John Jay.

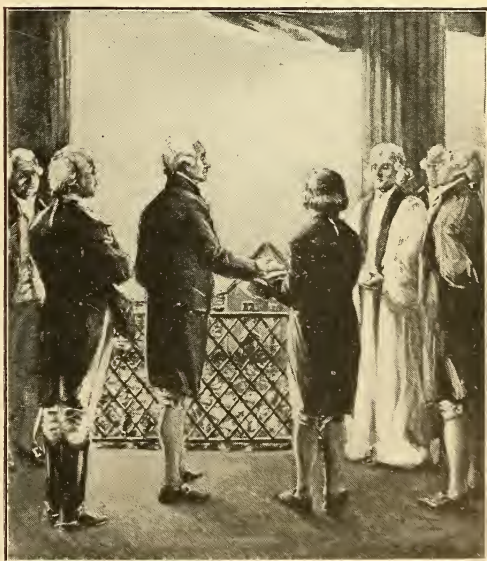
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from all sides. The new Constitution was regarded by many as a weak and dangerous instrument. Myriads of objections were made. Hamilton, assisted by Madison and Jay, took an active part and exerted great influence in securing the ratification of the Constitution. Their replies to objections and their arguments for the adoption of the Constitution were published in a series of papers known as "The Federalist." These papers are still regarded by the ablest men as most valuable treatises on the National Constitution. The work of these three great men, as well as many others, silenced all attacks and convinced the people that it was to their interest to ratify the action of the convention and accept the change proposed by it.

32

General George Washington Elected President.

—The Continental Congress on July 2, 1788, received information that New Hampshire had ratified the Constitution. This made the nine States necessary to ratify the Constitution. A sufficient number of States having ratified the Constitution, Congress immediately appointed a committee to examine the ratification of the different States and to report an act for putting the Constitution into operation. The resolu-



Washington taking the oath of office administered by Chancellor Livingston, on April 30, 1789, at Federal Hall, site of the present Sub-Treasury in New York.

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tion which we give below was reported by the committee July 14, 1788, and debated till September 13, 1788:

"Resolved, That the first Wednesday in January next be the day for appointing electors in the several States, which, before the said day, shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President; and that the first Wednesday in March, 1789, be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution."

The first Wednesday in March was on the fourth day of that month. The 4th has been the beginning of the governmental year since the inauguration of the government under the Constitution. The President begins his term of office on the 4th of March. The first Congress was called to meet on the 4th of March, but a quorum was not secured and organization perfected until April 6th. The electoral votes of the States were then counted in the presence of both Houses. George Washington received every vote cast, which was sixty-nine in all, and he was declared elected President of the United States. He was inaugurated April 30, 1789, in the city of New York.

SUGGESTIVE QUESTIONS.

Was the sovereignty planted by God in the minds of the people of the colonies higher than the artificial civil authority of the king of England?

How far back can you trace the beginning of the Constitution?

Give a general idea of the civic evolution that led to the formation of the Constitution.

Name thirty-two steps and causes mentioned in this chapter that aided in the making of our nation.

Over how long a period did the attempts at union extend?

Name the thirteen united colonies and give the date of settlement of each.

What is said in this chapter concerning the Pilgrims?

In what way was religious zeal helpful to the colonists in forming a government?

Tell something of the personality and the character of the colonists.

What is said about self-reliance as a factor in organizing and maintaining a government?

- What were the views of our fathers concerning the church and the school?
 What was the "League of the New England Colonies"?
 Give the date and tell about the purpose and the work of the Albany Congress.
 What were the Navigation Acts and what effect did they have on the American mind?
 Give the date, place of meeting and tell about the Stamp Act Congress.
 What part did Samuel Adams take in the making of the American Union?
 What were the Townshend Acts?
 Give the object and work of the "Colonial Committees of Correspondence."
 What effect did the throwing of the tea overboard have upon England and America?
 Give the date and work of the first Continental Congress.
 Tell some of the things done by England in order to punish the colonists.
 What was Franklin's plan for the government of the colonies?
 Give the date, work and place of meeting of the second Continental Congress.
 Name a few of the great Americans that were members of this Congress.
 When and where was independence declared?
 How was the action of Congress received by the people?
 When and by whom were the Articles of Confederation prepared?
 Name a few of the defects of the Articles of Confederation.
 How long did the government under the Articles endure?
 Name the steps that led to the calling of the Constitutional Convention.
 What did the Constitutional Convention do?
 How was the report of the Constitutional Convention received when submitted to the States for ratification?
 Name a few of the Americans who exerted a great influence in securing the ratification of the work of the Constitutional Convention.
 What course was pursued and what was done after the Constitution had been ratified?
 Give the date of the inauguration of Washington.
 When was the organization of the first Congress completed?
 Why wasn't Washington inaugurated on the 4th of March, 1789?

QUESTIONS FOR DEBATE.

Resolved, That Samuel Adams did more toward securing American independence than Thomas Jefferson.

Resolved, That James Otis did more toward establishing our Government than Richard Henry Lee.

CHAPTER XI.

THE NATIONAL GOVERNMENT.

"The Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

—Wm. E. Gladstone.

"It is the function of civil government to make it easy to do right and difficult to do wrong."

—Wm. E. Gladstone.

"The province of government is to increase to the utmost the pleasures and to diminish to the utmost the pains which men derive from each other."

—John Stuart Mill.

"Mankind must have laws and conform to them, or their life would be as bad as that of the most savage beast."

—Plato.

The Soul and the Constitution.—The Constitution, like the soul, is in a state of evolution. In fact, making and enforcing laws and interpreting constitutions depend, not so much upon written preambles and clauses as upon what is in the minds and hearts of men. Our republic depends upon a spirit world. It is a mind-government. Mental action precedes law, enforcing of laws, constitutional interpretations and amendments. The written and

the unwritten law, known as the Constitution of the United States, is as far-reaching in its application as the educated conscience. The Constitution of 1905 is a more nearly perfect law

William Cullen Bryant wrote:

Great were the hearts, and strong the minds

Of those who framed, in high debate,

The immortal league of love that binds

Our fair, broad empire, State with State.

And deep the gladness of the hour,

When, as the auspicious task was done,

In solemn trust, the sword of power

Was given to Glory's unspoiled son.

That noble race is gone; the suns

Of sixty years have risen and set;

But the bright links, those chosen ones,

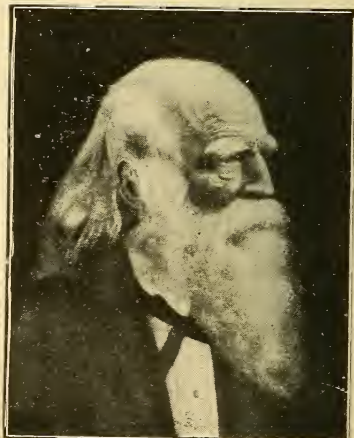
So strongly forged, are brighter yet.

Wide, as our own free race increase—

Wide shall extend the elastic chain,

And bind in everlasting peace

State after State—a mighty train.



William Cullen Bryant.

than the Constitution of 1779. The soul hath wrought changes. Our fathers recognized the principle of human and civic growth and the changing conditions of society, as well as the evolution of thought, when they gave us a Constitution capable of amendments. In fact, the stability of the Constitution depends more upon the right of amendment than any other one thing. It is right for the American Constitution to follow in the tracks of human expansion in thought and conscience. The soul is relentlessly active and it will never on this side of eternity submit permanently to an imperfect, unchangeable and inflexible law made by man.

The Constitution.—Black's Constitutional Law says: "The Constitution of the United States is the supreme law of the land, and is equally binding upon the federal government and the States and all their officers and people. Any and all enactments which may be found to be in conflict with the Constitution are null and void. The Constitution itself declares that it shall be the supreme law of the land. The supremacy of the Constitution means, first, that it must endure and be respected as the paramount law, at all times and under all circumstances, and in every one of its provisions, until it is amended in the mode which itself points out, or is destroyed by revolution. Secondly, it means that all persons are bound to respect the Constitution as the supreme law. It is not merely a limitation upon legislative power, but it is equally binding upon all the departments and officers of government, both State and National. Thirdly, it means that no act of legislation which is contrary to its provisions is to be regarded or respected as law. A treaty which is in violation of the Constitution would be null and void. So also would be any act of Congress which should be in excess of the legislative power granted to that body by the Constitution, or in disregard of any of its prohibitions. If the people of a State amend their Constitution or adopt a new Constitution, it must conform to the Federal Constitution. If it does not, it is of no effect. And every act of the Legislature of every State must equally obey

the mandates of the supreme law, at the risk of being declared a nullity."

Reflections on the Constitution.—The Constitution is the work of a people too great to be slaves.

It is a truth that grew out of oppression and tyranny.

It was founded on an inalienable principle planted in the human breast by God.

The People.—The right of the people to express the dictates of the national conscience and their choice through the ballot is as imperative as the right of the individual to hear and obey the voice of an educated individual conscience. God speaks to the individual through his conscience and to the government through the people. The voice of the people in national life is constitutionally higher than the voice of conscience in the individual life. A government whose controlling influence is vested in the people is our richest civil heritage, and the man who would override the rightfully-expressed desire of the people is an anarchist and our worst enemy. This is a government *of* and *by* and *for* the people. Every citizen is a fractional part of the government. The government declares that the nation exists for the individual and not the individual for the nation. It places no unnatural restraint upon the people, but extends to every citizen the sovereign right of self-government and offers him the best possible opportunity to achieve success in the pursuit of any rightly chosen work.



Our Government was Organized:

1. To form a more perfect union;
2. To establish justice;
3. To insure domestic tranquillity;
4. To provide for the common defense;
5. To promote the general welfare;

6. To secure the blessings of liberty to ourselves and our posterity.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America."

The Opening Statement of the Constitution.—The introductory paragraph of the Constitution, which is usually called a "preamble," is a vital part of the Constitution. It is more than a preamble. It is also an enacting clause which ordains the Constitution in the name of the people and names the government which it forms. A preamble only sets forth reasons for the establishment of a statute, and is not a vital part of the statute itself, but the first sentence of the Constitution, commonly known as the preamble, is an organic and necessary part of the Constitution of the United States. It was written by Gouverneur Morris, and it is regarded as a splendid literary production. It states in an interesting and concise way six reasons for establishing our government:

1. To Form a More Perfect Union.—The government under the Articles of Confederation was unsatisfactory and had failed to secure the confidence, co-operation, and union of all the people. The Constitutional Convention desired to bring the people together in one "indissoluble union," and they knew that this could be done only by recognizing the natural rights that belonged to the nation, State, and citizen, and by making each member of this Union a sovereign with the power of exercising his divine rights and privileges. They followed God's law in forming the Union which is to-day the greatest brotherhood that was ever formed under one civil law.

2. To Establish Justice.—The government failed to establish justice under the Articles of Confederation. A national judiciary was needed to interpret the law and restrain selfish legislation. Without an interpreting national authority to pass upon the constitutionality of all statutes and enact-

ments, laws were likely to go unheeded and injustice prevail. There can be no justice in a free government without a judiciary, for without it each individual would be a judge unto himself, and his interpretation of the law would be biased by his desire to obey or ignore the law.

3. To Insure Domestic Tranquillity.—Domestic contentions in various forms had existed between the different States and various interests in the same State. The great men who were directing the affairs of the nation were too broad-minded to live in dissensions. They knew that union was an element of strength. This made them desirous of securing peace and quiet to their own country. Domestic tranquillity is one of the most noticeable blessings of our country. Domestic peace now prevails in a free government of sovereigns bound together by a common interest, sympathy, and welfare.

4. To Provide for the Common Defense.—Under the Articles of Confederation the national government had no power to collect taxes, raise armies, and provide for navies. The framers of the Constitution knew that one of the most important questions to be considered was the one relating to the “common defense” of all the people. They knew that a nation could not secure the proper respect and command a high position in the settlement of all international questions and disputes, unless it built about itself not only a fortification of character, but had the power to construct a strong and well-disciplined army and navy. It was also necessary to lay and collect taxes in order to provide for the common defense.

5. To Promote the General Welfare.—It is the theory of our government that it is our civic duty not only to protect the people in their civil rights but to offer every citizen of our government an opportunity to develop the highest mental, spiritual, and physical culture and wealth. The future perpetuity of this country depends very largely upon how well we look after the “general welfare” of all the people composing the nation.

6. To Secure the Blessings of Liberty to Ourselves and Our Posterity.—Liberty emanates from the self-con-

sciousness of sovereign man implanted in him by his Creator, and this knowledge of his powers and natural rights is the greatest safeguard that was ever thrown around a free institution. Nature was the inspiration of our forefathers, and it made them brave, uncompromising, fearless men in their fight to establish God's law of liberty. It was a battle for freedom and humanity, and we are to-day the recipients of the fruit of their great sacrifice.

SUGGESTIVE QUESTIONS.

Define the national Constitution.

What did Gladstone say about it?

Was it the natural work of men of character?

Through what sources and how is the national civic conscience expressed?

What is the relation of each individual to the home, school, neighborhood, county, city, State, and national government?

What part of the United States government do you constitute?

Does the nation exist for the individual or the individual for the nation?

Define preamble.

Define enacting clause.

Is the opening clause of the Constitution a preamble, or an enacting clause, or both?

Who wrote the opening clause to the Constitution?

Quote it from memory.

Name the six great reasons for establishing the Constitution, and explain each.

QUESTION FOR DEBATE.

Resolved, That the corrupt financier who buys legislation is a meaner man than the floater who sells his vote.

CHAPTER XII.

THE LAW-MAKING DEPARTMENT. THE COMPOSITION, WORK, AND ORGANIZATION OF THE TWO HOUSES OF CONGRESS.

Article 1, Sec. 1.—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

The Three Departments of National Government.—The work of the government is accomplished through three departments:

1. Congress. The Law-making.
2. The President. The Law-enforcing.
3. The Federal Courts. The Law-interpreting.

The greatest statesmen have never been able to make a complete and absolute separation in the exercise of these three powers. Each department serves as a check on the other, and, like each division of the human mind, is an inseparable, organic part of the whole. The success of our fathers in creating three departments with certain independent and natural functions to perform, and, at the same time, in making each one an important and intermingled part of the organic whole, is regarded by the best thinkers and writers as a long step toward the highest political advancement. Each division of our government is as much a part of the whole as the arm is a part of the body.

We bring together below the constitutional authority for the three divisions of government:

Article 1. All Legislative powers herein granted shall be vested in a Congress of the United States.



NATIONAL STATUTES



Article 2. The Executive power shall be vested in a President of the United States of America.

Article 3. The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

A Congress of Two Houses.—The members of the Constitutional Convention had learned by experience that a Congress composed of one law-making body was a failure. The Congress under the Articles of Confederation consisted of a single body and was considered a signal failure, while some of the State governments with a Legislature composed of two Houses were successfully operated. Two Houses for each law-making department is now regarded as the only true system. The plan gives us a Congress composed of two distinct Houses, each having a separate origin. The legislative unit coming from the people insures safer legislation and better laws; it restrains all tendencies to haste in the making of laws, and affords the mutual criticism of the two branches.

Congress consists of the House of Representatives and the Senate. The First Congress dates from Wednesday, March 4, 1789. Each Congress lasts two years. The Fifty-ninth Congress is now (1905) in session, and will close at noon on the 4th of March, 1907, at which time the Sixtieth Congress will begin. The Constitution requires not less than two sessions of each Congress. When, in the opinion of the President, there is national business of great importance requiring immediate attention, he may call one or more special sessions of Congress for the transaction of such business and the enactment of such legislation as he names in the call issued by him. During the Fortieth Congress there were three special and two constitutional sessions, making five sessions during the two years. Congress has fixed the first Monday in December as the time of meeting, but it may by law change the time. There is a long and a short session of Congress. The long session convenes on the first Monday in the second December following the election of national representatives. The short session lasts from the time Congress meets again in the following December

until the next 4th of March at noon. The long session ends in even years and the short session ends in odd years. The place of meeting of Congress is not fixed by the Constitution. This is done by a congressional law. Congress meets at the national capital.

Sec. 2, Clause 1.—The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Election of National Representatives.—Representatives are elected every two years by the people. With few exceptions, they are elected the first Tuesday after the first Monday in November. The Constitution of the United States authorizes citizens in each State who vote for State Representatives to vote for national representatives. It gives each State the privilege of determining who shall vote for national representatives, but at the same time places a limitation upon the power of the State by declaring "The electors in each State shall have the qualification requisite for electors of the most numerous branch of the State Legislature." Under the restriction, if the State should attempt to change the popular feature of the national Legislature, it would inflict a similar condition upon its own Legislature. The qualification of the voter in the different States is not uniform.

Sec. 2, Clause 2.—No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Qualification of Representatives.—The Constitutional Convention used great care in defining the qualification of persons who work in every department of government. In naming the qualifications of the national representatives great emphasis was placed upon experience, citizenship, patriotism, and residence. An age limit was established in order to insure experience and give the candidate for the high office time to build his character, make preparation, define his views on

public questions, impress his life upon the community, and gain the love, esteem, and confidence of the public. Under this qualification, an alien could not become a representative under twelve years, as it requires five years for him to become a naturalized citizen, and he would have to be a citizen of the United States for seven years. One is not eligible to this office unless he is an inhabitant of the State from which he is elected. He may live in a different congressional district from which he is elected, but he must be an inhabitant of the State. He may be elected representative before he has lived in the State long enough to vote, and he may move out of the State after he is elected, and be a legal representative of the people.

Section 2, Clause 3.—Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

Apportionment of Representatives.—Under the Articles of Confederation each State had one vote, and when the Constitutional Convention met, it had great difficulty in getting the small States to relinquish their equality in the House of Representatives. After deciding to base representation in the House on population, they experienced further difficulty in determining whether to count the slaves as a part of the population in making the apportionment. The Northern States insisted that the apportionment should be made according to the number of free population. The slave States thought the slaves should be counted in the enumeration. A compromise

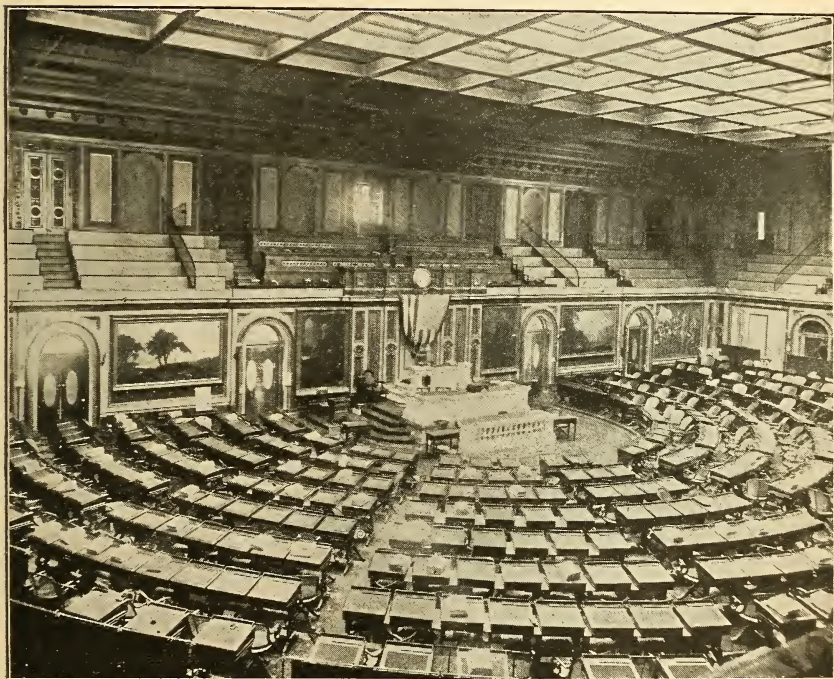
was finally made by which three-fifths of the slaves were counted. The acceptance of this rule was favorable to the slave States inasmuch as it increased the number of representatives. From another point of view it was unfavorable to them, for it increased their proportion of direct taxes. The slave States felt, however, that the advantages were greater than the disadvantages.

The above provision regulating the apportionment of representatives has been changed by the Fourteenth Amendment. We find the following words in section 2 of that amendment: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."

Ratio of Representation.—The Constitution declares that representation shall not exceed one representative for every 30,000 inhabitants. This is the only limitation placed on the number of members there shall be in the House. Under the first census taken, the ratio of representation was placed at 33,000 inhabitants for each member of the House. There were 65 representatives in the first House. The United States takes a new census and Congress makes a new apportionment for representatives every ten years. Under the present census taken in 1900 there are 386 members of the House, and the ratio of representation is 193,291 inhabitants. There will be this number of representatives until the next apportionment, which will be made under the census to be taken in 1910, unless before that time new States are admitted into the Union. If a new State is admitted after an apportionment act is passed, the new members are additional to those provided for by the act. The present apportionment took effect in 1903 and will last until 1913.

The ratio of representation is found by dividing the total population of all the States by the number of representatives. The population of each State divided by the number thus obtained will give the number of representatives to which the State is entitled. Remainders must necessarily result from making these divisions, and this will prevent the total number

of representatives allowed each State from equalling the total apportionment made by Congress. When this occurs, Congress assigns to the States having the largest remainders additional representatives in order to make the apportioned number.



The United States House of Representatives.

Each State Represented.—It is possible for a State not to have a population as large as the required number of inhabitants for each representative. Our wise fathers, foreseeing this danger, provided that “Each State shall have at least one representative.”

Territorial Delegates.—There is in Congress one delegate from each Territory. They are elected by the popular vote of the Territory. These delegates look after the general welfare of the Territory they represent. They have a right to a seat in

the House of Representatives and to participate in debates, but not the right to vote.

The Congressional District.—The States that are entitled to more than one representative are divided into Congressional Districts by the Legislatures of the States. Representatives are elected by the popular vote of the district. When a State is entitled to increased representation under the new census, the additional congressional member or members are elected by the popular vote of the State until the State is re-districted. A member elected in this way is known as congressman at large.

The Gerrymander.—Gerrymandering consists in changing the boundaries of the Congressional District by the political party in power in such a way as to give the greatest political advantage to the dominant party. Two Congressional Districts that differ in politics are frequently brought to the same political complexion by the skillful use of the gerrymander.

Sec. 2, Clause 4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Vacancy in the House.—A vacancy in the national representation of a State is filled by the voters of the Congressional District in which the vacancy occurs. A writ of election is issued by the Governor of the State when the vacancy occurs, and the people at this special election choose a representative for the unexpired time. Vacancies may happen as a result of death, resignation, or removal. In case a representative resigns he does so by a letter to the governor of his State.

Sec. 2, Clause 5.—The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Officers of the House.—The officers of the House of Representatives are: A Speaker, Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain. None of these officers are regular members of the House except the Speaker, who is always a Representative. These officers are chosen by the House.

The Speaker.—The Speaker occupies the highest position in the most numerous branch of our national legislature. He receives a salary of \$8,000 per year. He is the presiding officer of the House of Representatives. He is elected from one of their own number and holds the office for a term of two years. He represents the people of his district, and has the right to take an active part in all discussions and to vote on all questions. However, he does not usually vote except upon measures of great importance and when the vote is taken by ballot or when there is a tie and his ballot would decide the question. It is his duty to preside over all of the deliberations of the House, receive and put motions, decide points of order, appoint committees, give parliamentary information when desired, and preserve order in the House. The Speaker should be a man of sterling character and great executive powers, as well as a good parliamentarian.

The Clerk.—The Clerk is the recording officer of the House. It is his duty to read all papers when ordered by the Speaker, make an accurate list of the members, call the roll, and register the result of the vote. It is his duty to take down motions, take charge of and preserve the documents and papers belonging to the House. The Journal, when properly kept, is a record of the daily work of the House. As a rule, it should not contain a record of anything that was not regularly acted upon by the House.

The Doorkeeper.—This officer is the custodian of the House. He has charge of the Representatives' Hall, including all the furniture, books, and other property that belongs to the government. It is also his duty to guard the doors of the House and allow only such persons to enter as are permitted under the rules and regulations of the House.

The Postmaster.—The government has established a special postoffice in the national capitol in order to accommodate the members of the House, and the Postmaster superintends this special postoffice. He takes charge of all mail of the members and performs the ordinary duties connected with such a position.

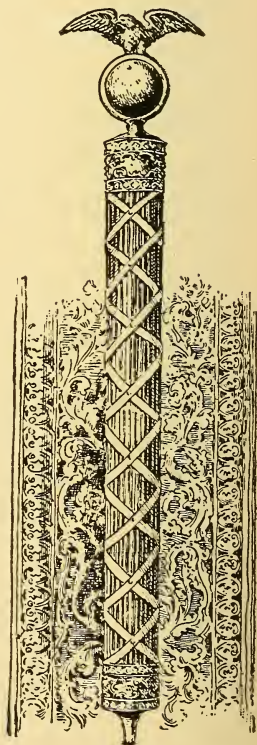
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The Chaplain.—The daily session of the United States House of Representatives is opened with prayer by the Chaplain.

The Sergeant-at-Arms.—This officer is the sheriff of the House. He has charge of the mace. He, on the request of the House or the Speaker, arrests members, and, under the direction of the Speaker, secures and maintains good order in the House. He also summons absent members when away from the session of Congress and when needed in order to make a quorum. "He also acts as paymaster of the House, paying members and delegates their salaries and mileage." The sergeant-at-arms works under the direction of the House of Representatives and the Speaker.

The Mace.—The House at its first session (1789) authorized the Speaker to procure a suitable symbol of authority for the Sergeant-at-Arms. The mace was procured. Mr. George Hazleton, in his book, "The National Capitol," says:

"This time-honored emblem of authority is composed of thirteen ebony sticks, silver-bound and surmounted by a silver globe, delicately engraved with the map of the world, upon the top of which rests a silver eagle with wings outstretched. A few minutes before the assembling of the House it is the duty of an assistant Sergeant-at-Arms to carry the mace to the floor and rest it on the platform, prepared for that purpose, against the wall beside the Speaker. When the Chaplain finishes the benediction, the Speaker declares the House in session, and the mace is raised and placed upon its immovable pedestal of malachite, where it remains until the House adjourns. The assistant



The Mace.

Sergeant-at-Arms then formally bears it back and replaces it in the custody of his superior.

“Whenever during sessions the House becomes too turbulent for the Speaker to control, he directs the Sergeant-at-Arms to take the mace from its pedestal and carry it among the members. It has been upon the rarest occasions only that this authority has not been immediately respected.”

Impeachment.—The Constitution declares that the House of Representatives has the sole power of impeachment, and the Senate the sole power to try impeachments. An Article of Impeachment is a written accusation preferred against some federal officer by the House of Representatives. The President and Vice-President and all civil officers of the United States may be impeached. Members of the House are not civil officers.

The Organization and Practical Work of the National House of Representatives.—The Clerk of the previous House calls the House of Representatives to order at the beginning of each Congress. He then calls the roll, which he makes up from the certified returns of the States, ascertains whether a quorum is present, and presides until a Speaker is elected.

The oath is usually administered to the Speaker by the member of the House who has been longest in continuous service. This member is known as the “Father of the House.” After the Speaker takes the oath, he then administers it to the members of the House. The following is the oath that is administered to Senators and Representatives:

“I (name) do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

There are as many seats in the House as there are representatives and territorial delegates. Each seat is numbered. They are assigned in the House as follows:

An alphabetical list of the members is prepared and the different numbers of seats are registered with the different names of members. Balls containing the different seat-numbers are then put together and thoroughly intermixed. The members stand while an attendant draws from a box the balls containing the numbers, and, as each man's number is drawn, he selects his seat and sits down. It is a custom for members of different political parties to occupy different sides in the hall. Members who have served in the House for a long time are usually given preference in the selection of seats.

After the different officers of the House are elected and other business transacted, the Speaker appoints the Standing Committees of the House. The fate of most measures depends upon the action of the committee to which it is referred, and, as the Speaker of the House has the right to appoint these committees, it gives him great power in shaping and directing national legislation. Mr. Reed, in referring to the work of the committees of the House, said: "The committee is the eye, and ear, and hand, and very often the brain, of the assembly. Freed from the very great inconvenience of numbers, it can study a question, obtain full information, and put the proposed action into proper shape for final decision. The appointment of a committee also insures to the assembly the presence during the debate of members who have made some examination of the question, and tends to preserve the assembly from its greatest danger, that of being carried away by some plausible harangue which excites feeling, appeals to sentiment, and obscures reason." The committees of the Senate are selected by the Senate and not by the President of the Senate. When a bill that has been referred to a committee is cast aside and not reported, we speak of it as being "killed in the committee."

After the organization of the House and the Senate, each house by resolution authorizes its Clerk to notify the other that it is organized and ready to proceed to legislative business. Each house then appoints a committee to act as a joint committee to wait upon the President to inform him that Congress

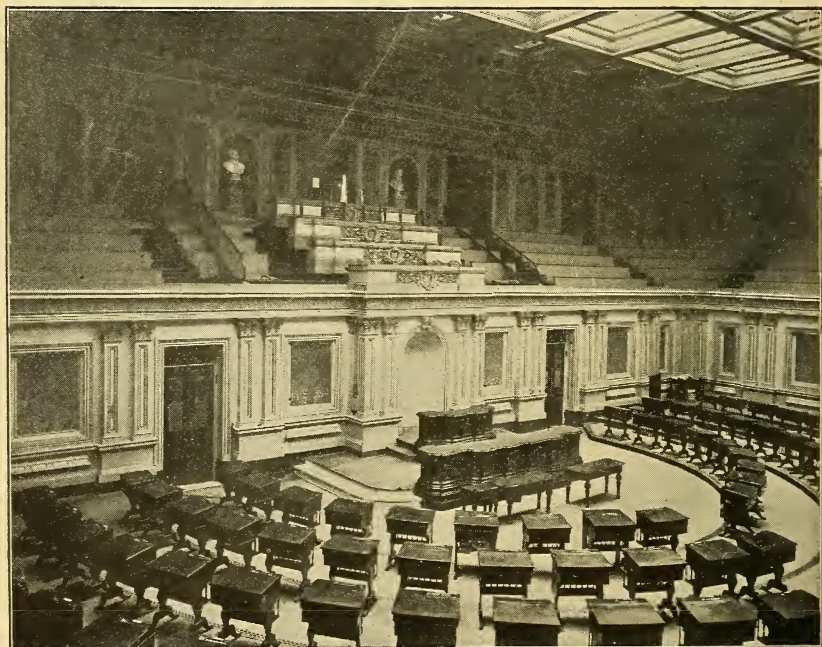
is organized and ready to receive any communication he may desire to make.

Section 3, Clause 1.—The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

The Law Regarding Election of Senators.—The “time, places, and manner of holding elections for Senators” was left entirely with the State until 1866, when Congress passed a law regulating the election of Senators by the Legislatures of the different States. The State Legislatures chosen next before the expiration of the term of the United States Senator shall, on the second Tuesday after the Legislature assembles, proceed to elect a Senator in the following way: Each house votes separately by a *viva voce* vote for a Senator, and a record of the vote is made on the journal of each house. The following day the two houses meet in a joint session to determine who has been elected, and if the journals show that a person has received the majority of the votes of each house, he is declared elected Senator. But, if it appears that no one has received the required vote, the joint assembly meets at noon each succeeding day and takes one or more votes until a Senator is elected. This is continued until a qualified person receives a majority of the votes of the whole Legislature, and when this happens, he is declared to be elected, provided a majority of the members of each house was present. If a vacancy exists in the Senate at the time the Legislature convenes, the same steps are taken, and if a vacancy should occur during its session, it is required to proceed to fill the vacancy on the second Tuesday after the proper notice of the vacancy has been given. Under the law the Governor is required to certify the election to the President of the United States Senate, and the certificate of election must be countersigned by the Secretary of State.

The Senate.—The Senate of the United States is known as the Upper House of Congress, and is regarded as a body of great dignity and power. It is composed of two Senators from

each State, elected for six years. They represent the whole State, and not any part of the State or separate interest or district in the State. Senators are chosen by the Legislatures of their respective States. There are now forty-five States and ninety Senators. Each Senator is entitled to one vote. This gives each State two votes in the national Senate. Senators from the same State are frequently elected by different political



The United States Senate Chamber.

parties and do not have the same opinions concerning public questions and issues, and if they were forced to vote together as one, they would frequently fail to represent the desires, wishes, and needs of the people of their States. Under the Articles of Confederation each State had only one vote.

Equal Representation in the Senate.—Representation in the lower House of the national Congress is built upon the

total number of people in all the States, and in the Senate upon the total number of States in the Union, each State having representation in the House according to the population of the State and equal representation in the Senate. No bill can become a law until it passes both Houses of Congress, and as each State has equal representation in the Senate, the smallest State in the Union has as much power in the making of laws as the largest one. This principle of equal representation was the happy compromise effected after many heated and able discussions in the Constitutional Convention.

Selections of Seats in the Senate.—Seats in the Senate are selected as follows: The Senator who first expresses a desire for a vacant seat or one that is to become vacant is entitled to it. When a Senator desires a seat that is not vacant, he puts his name down in a book arranged for that purpose as an applicant for that particular seat. As soon as it becomes vacant, he is entitled to the seat, provided, of course, some other member did not make application in the same way before he did.

Sec. 3, Clause 2.—Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Division of Senators.—The First Senate under the Constitution convened on the 4th of March, 1789, with twenty Senators present. Ten of the thirteen States of the Union had elected Senators. New York had failed to elect, and Rhode Island and North Carolina had not ratified the Constitution. Under the Constitution the Senate proceeded to divide the twenty Senators present into three classes. This was done by lot, and resulted in placing seven Senators in the first class, seven in the second, and six in the third class. The seven

Senators of the first class served two years; second class, four years; third class, six years, or a full term. Other Senators were put in the different classes as they entered the Senate. As new States have been admitted into the Union, their Senators have been assigned to the different classes by lot drawn in the presence of the Senate, and different classes have been kept as nearly equal as possible. There are now (1905) thirty Senators in each class. As new States may be admitted from time to time, new Senators will be assigned to the different classes.

Vacancies.—If a vacancy should occur in the United States Senate, when the State Legislature, that has a right to fill the vacancy, is not in session, the Governor of the State in which the vacancy occurs appoints a qualified person to fill the vacancy until the Legislature meets and elects a successor.

Sec. 3, Clause 3.—No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Qualification of Senators.—The Constitutional Convention sought to give the Senate exceptional prestige, dignity, and power. They desired to make it a conservative, dignified body of qualified, broad-minded men of experience and character to serve as a check on any hasty legislation and give ballast to the legislative power of Congress. It was not only made a perpetual body, but great emphasis was placed upon residence, age, and citizenship of the members composing it. Before a person can be a Senator he shall be thirty years old, a citizen of the United States for nine years, and an inhabitant of the State for which he is chosen. This qualification gives him who aspires to hold this high office an opportunity to make liberal preparation and the public an opportunity to form an impartial and intelligent opinion of his fitness for the place. Every voter in this government should remember that when he casts his ballot for a State Representative he usually votes indirectly for a national Senator.

Sec. 3, Clause 4.—The Vice-President of the United States Shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Vice-President.—The Vice-President of the United States is President of the Senate. He can not take part in the discussions on the floor of the Senate nor has he the right to appoint committees or do anything else that would influence legislation. He has no right to vote except in case of a tie, and, if he desires, he may refuse to vote in this case, in which event the pending measure would fail to pass the Senate. Senators address him as “Mr. President,” and he designates the members of the Senate as “Senator.”

Sec. 3, Clause 5.—The Senate shall choose their other officers, and also a president *PRO TEMPORE*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Officers of the Senate.—The officers of the Senate are: The President, President *pro tempore*, Secretary, Chief Clerk, Doorkeeper, Sergeant-at-Arms, Postmaster, Librarian, and Chaplain. None of these are members of the Senate except the President *pro tempore*. The President *pro tempore* is selected from the Senate and has all the privileges of any other member of the Senate and the additional powers of the Vice-President while he is acting as presiding officer of the Senate. He can debate and vote on any question that comes before the Senate, but he can under no circumstances cast but one vote. In case the Vice-President becomes President of the United States, the President *pro tempore* of the Senate draws the Vice-President's salary. All the other officers of the Senate have duties similar to those of the House of Representatives. All the officers of the Senate except the President are selected by that body.

Sec. 3, Clause 6.—The Senate shall have the sole power to try impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Impeachment Trial.—After the Articles of Impeachment have been preferred by the House of Representatives, the person accused is summoned by the Sergeant-at-Arms to appear before the Senate. The Senate takes a special oath to give the accused a fair and impartial trial. The Senate sits as a jury and hears the evidence and arguments on both sides. It requires two-thirds of the members present to sustain the action of the House in preferring Articles of Impeachment. The penalty of impeachment is restricted to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. The Vice-President of the United States presides in most cases of impeachment. However, if the President of the United States should be impeached, the Chief Justice of the Supreme Court presides.

Sec. 3, Clause 7.—Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment, according to law.

Penalty for Impeachment.—The punishment for impeachment can not extend beyond removal from office and disqualification to hold any office of honor, trust, or profit under the United States. If an officer be convicted, the punishment can not be less than removal from office, and the conviction may remove him from office and disqualify him at the same time. Persons impeached may still be tried by the proper courts for a criminal violation of the law.

Section 4, Clause 1.—The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

When Representatives are Elected.—In 1872 Congress fixed Tuesday after the first Monday in November as the day for the election of national Representatives in the different States. Some of the States had previously fixed in their Constitution the time for the election of the Representatives, and

Congress did not require these States to comply with the law. This is the reason why all States in the Union do not elect their Representatives at the same time. The States have absolute power in selecting the places of choosing Senators.

Sec. 4, Clause 2.—The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sessions of Congress.—Annual sessions of Congress are required under the Constitution, and, as each Congress lasts two years, not less than two sessions can be held during each Congress.

Sec. 5, Clause 1.—Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

Election Returns.—Each House has the privilege of judging of election returns and the qualifications of its own members. This is necessary to the independence of each House. The Committee on Elections of each House investigates all contested elections and makes a report to the House. The recommendation of the Committee is usually sustained.

A Quorum.—It takes a majority in each House to constitute a quorum and do business. In determining whether a quorum is present in the House, all the members present are counted even if they do not answer to the roll-call. This rule, however, has not been adopted in the Senate. Only voting Senators are counted. A smaller number than a quorum may adjourn from day to day, and, under certain regulations and penalties fixed by the House, compel the attendance of absent members. The minority's privilege to adjourn prevents a legal dissolution of the House, provided a majority of the members should not be present, and, under a special rule of the House of Representatives, fifteen members, including the Speaker, may compel members to attend. The power vested

in these fifteen members insures the presence of a quorum. The absent members are brought before the House by the Sergeant-at-Arms. This method of securing a quorum is known as a "Call of the House."

Sec. 5, Clause 2.—Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Parliamentary Rules.—In the beginning of each session of Congress a committee is appointed by each House to draft parliamentary rules to govern the work of each body. The rules of the preceding Congress are generally used until new ones are reported by the committee and accepted.

Punishment of Members.—Each House has the power to discipline its members. A member may be punished as each House deems proper. He may be reprimanded or expelled. It takes a two-thirds vote to expel. We take the following from Reed's Parliamentary Rules:

"Probably the House has power to inflict other punishments. The United States Supreme Court in *Kilbourn vs. Thompson*, 13 Otto, 168, says, speaking of the power of punishment: 'We see no reason to doubt that this punishment may be, in a proper sense, imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.' If the House of Representatives can imprison, it would seem that it could suspend without imprisonment."

Section 5, Clause 3.—Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

The Journal and the Yea and Nay Vote.—The entire proceedings of each House is carefully kept and becomes the history of Congress. During the session of Congress it is published daily at the expense of the government. It is known as the Congressional Record, and contains a careful statement

of the entire work of Congress. The public is entitled to know what Congress is doing, and the publication of the proceedings keeps the public informed and is an incentive to members of Congress to look after the interest of the people of their district as well as the people at large.

The yeas and nays vote is taken on the call of one-fifth of the members present, and, when this vote is ordered each member's name and how he voted is registered on the Journal. On the call of the yeas and nays, each member's name is called in alphabetical order.

Sec. 5, Clause 4.—Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Adjournment of Congress.—Section 5, Clause 4, of the Constitution insures the closest co-operation between the two Houses, and prevents each House from adjourning for a longer time than three days without the consent of the other. If each House could adjourn at any time, legislation could be stopped by the action of one House.

Sec. 6, Clause 1.—The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Salaries.—The salary of Senators and Representatives is fixed by law and is paid out of the treasury of the United States. They receive \$5,000 per year and mileage at twenty cents per mile in going and returning "by the nearest route." They also receive \$125 for stationery. The Speaker receives \$8,000 per year and mileage; the President *pro tempore* receives the same amount while acting as President of the Senate.

Detention of Members and Freedom of Debate.—In order to secure freedom of debate, Representatives and Senators can not be arrested during the session of Congress, except

in case of treason, felony, and breach of peace. Freedom from arrest is also "a safeguard against the passage of noxious legislation by the detention or removal, under legal forms, of men whose presence would make such action impossible."

Sec. 6, Clause 2.—No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Civil Officers and Fraud.—No Representative or Senator can hold a civil office under the authority of the United States. Neither have they a right to resign to accept an office that was created or one whose salary was raised during the time for which they were elected. This clause was put into the Constitution to prevent fraud and to avoid abuses. Senators and Representatives may be appointed to military office, as it is not considered a civil office.

SUGGESTIVE QUESTIONS.

How many departments of national government? Name and define them.
What advantage is there in having the three departments?
Give constitutional authority for the establishment of each.
Define Congress.

How many Houses in Congress?

Name the upper and the lower House.

What advantage is there in having two Houses of Congress?

When did the first Congress convene?

How long is each Congress?

What number is the present Congress? When did it begin and when will it end?

What is the smallest and the largest number of sessions that can be held during one Congress?

When does each session of Congress begin?

Tell about the long and the short session.

Where does Congress meet?

By what authority is the place of meeting regulated?

How long do national Representatives hold office? When are they elected? Who may vote for national Representatives?

Has the State a right to prescribe the qualification of its voters?

Give the qualification of a national Representative.

Can a citizen who does not live in a district be elected as a legal Representative?

Can he be legally elected as national Representative before he has lived in the State long enough to vote?

On what is representation in the national House of Representatives apportioned? Explain fully.

What change did the Fourteenth Amendment to the Constitution of the United States make in the apportionment of national Representatives?

What limitation is made by the national Constitution in prescribing the number of inhabitants for each Representative?

What was the ratio of representation in the first Congress that met in the United States?

How many representatives were there?

How many members of the House of Representatives under the census of 1900?

What is the ratio of representation under this census?

How may the present number of national Representatives and Senators be increased?

How is the ratio of apportionment found? Give a full explanation.

If a State should be admitted into the Union before it had a population equal to the ratio of representation, would that State be entitled to a Representative? Why?

How many national Representatives is your State entitled to? Name them. What State has the largest number of members in the House of Representatives? Why?

Give the duty of territorial delegates. How are they chosen?

Who is a congressman-at-large?

Of what does Gerrymandering consist?

Name and give the duties of all the officers in the House of Representatives. How are they elected?

Who calls the House to order at the beginning of each Congress and presides until a Speaker is elected?

Who administers the oath to the speaker? Who administers the oath to the members? Repeat the oath.

How are seats selected in the House?

Who appoints the Standing Committees of the House?

Tell how the appointment of these committees affects legislation.

How may a vacancy occur in the House of Representatives?

How are these vacancies filled when they occur in the national House of Representatives?

- What does each House of Congress do after it completes organization?
How is the notice of organization conveyed to the President?
What does the President usually do on receiving this notification?
Tell about the election of national Senators.
Of whom is the Senate of the United States composed?
How many Senators in the present Senate?
Do they represent a district in the State, or the State as a whole?
Have the States equal representation in the Senate? Why?
How are vacancies filled in the United States Senate?
For what length of time may a person be appointed to fill a vacancy in the Senate?
How are seats selected in the Senate?
How many Senators were there in the first Senate?
How many classes of Senators. Tell about each.
What is done when Senators from new States enter the Senate?
Give the qualification of Senators.
Why is the United States Senate regarded as a perpetual body?
Who is the President of the Senate? What are his duties?
Has he a right to speak, vote, and appoint standing committees?
When may he vote? How do members of the Senate address him? How does he address members of the Senate?
Who are the two Senators from your State?
Name and give the duties of the officers of the Senate.
What House has the sole power to try impeachments?
Give the methods by which impeachment trials are conducted.
How many members of the Senate does it require to sustain the articles of impeachment?
Who would preside if the President of the United States were on trial?
Who prescribes the times, places, and manner of holding elections for Senators and Representatives?
What power has Congress in regulating this question?
When are national Representatives elected?
Are there any exceptions to this rule?
Who is the judge of the election returns and qualification of its members?
How are contested elections conducted?
What constitutes a quorum in Congress?
Are members who are present but who do not answer the roll considered a part of the quorum?
How many members may adjourn from day to day and compel the attendance of others?
Why is this privilege embodied in the Constitution?
What course does a smaller number of members pursue in order to secure a quorum?
Who drafts the parliamentary rules of the House?

How is this usually done?

Who has the power to discipline the members of the House?

To what extent may punishment be inflicted?

What is the yea and nay vote? How may it be ordered?

For how long can one House adjourn without the consent of the other?

If the two Houses of Congress could not agree on date of adjournment, who would adjourn them?

Who fixes the salary of Representatives and Senators? What is their salary? Give the salary of the presiding officers of Congress.

For what offences may members of Congress be arrested?

Why are they privileged from arrest during the session of Congress?

Are members of Congress civil officers?

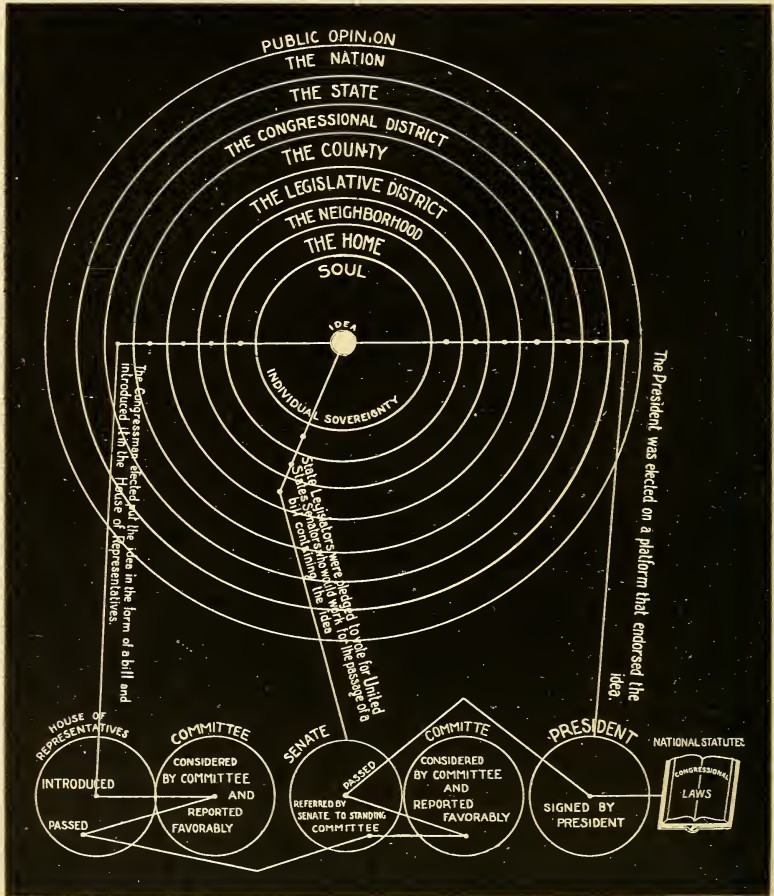
Can they be appointed to civil offices during the term for which they were elected?

QUESTION FOR DEBATE.

Resolved, That the Constitution should be amended so as to permit the election of national Senators by the popular vote.

CHAPTER XIII.

HOW LAWS ARE MADE. PUBLIC OPINION, POLITICAL PARTIES, AND ARTIFICIAL LAWS. HOW AN IDEA BECAME A LAW.



The People are, or should be, behind every law or proposed law. If they fail to secure the legislation which they desire, it will be, in the main, for the want of an aggressive action in making themselves a part of the public voice. The illustration which we give shows how a thought which origi-

nated in the mind of man became a law through an organized public sentiment. From the sovereign individual it reached the home, the neighborhood, legislative district, county, congressional district, State, nation, and finally became a law.

The. Idea.—We said in a former chapter that the laws of our lives are transcripts of the world and our civil laws are transcripts of our lives. When we look at our civil laws we see, or should see, our own lives, purposes, political ideas, and desires. A law begins by passing the Congresses of minds, and then the Congresses of the government. A bill introduced into Congress begins as an idea of one person, a committee, or a political convention, or as a combination of ideas of several persons, committees or several political conventions. Every bill begins as an idea and may afterwards become a public issue, then a plank in a political platform and finally a law.

The Home and the Idea.—The idea was a current topic in many homes. A discussion of its advantages and disadvantages was read in the conservative newspapers and the leading magazines, which are always found in the enlightened American home. It is proper and patriotic for members of the family to study public questions and reach an intelligent judgment. The religious, social, and political affiliation of every member of the family is a matter that largely belongs to the individual, and wise and loving parents give their children an opportunity to read good books, the best literature, and encourage them in attending school, in securing an education and in reaching rational and correct conclusions concerning all questions of interest to society.

The Neighborhood and the Idea.—The idea ceased to be the thought of one individual or one home, but became a public issue. It was discussed in public gatherings in the neighborhood; the school selected it for the subject of the debating society; a general interest was aroused, and the people desired that it be enacted into a law. The local and State newspapers discussed it. The people in the neighborhood throughout the county assembled to petition that it be made

a part of the political platform. Representatives from the neighborhood were sent to the county convention to speak, vote, and work for the idea. The people all over the county demanded the enactment of a new law, which was at first a thought of local interest.

The State Senatorial and Legislative District and the Idea.—The people of the State Senatorial and Legislative Districts elected State Senators and Representatives who were in favor of the proposed new law, and these Senators and Representatives elected national Senators who advocated and voted for the measure in the United States Senate. Other districts operated in the same way, and when the Senate of the United States convened, its attitude toward the proposed law was in harmony with the desires of the people of the districts electing the members of the State Legislatures that elected the national Senators. The bill that embodied the idea was passed by the United States Senate and sent to the President.

County Conventions and the Idea.—The majority of the members of the county conventions favored the proposed measure and sent delegates to the Congressional District Convention pledged to vote for the nomination of a candidate for Congress who was in sympathy with the idea and would do everything in his power to secure its passage through the national Congress. Other counties in the different Congressional Districts of the different States pursued the same course, and, as a result, the different Congressional District Conventions were largely in favor of the measure.

The Congressional District and the Idea.—When the Congressional District Conventions convened to nominate candidates for Congress they were found to be overwhelmingly in favor of the proposed law. The conventions were simply reflections of the desires, petitions, and instructions of the individuals, homes, communities, county conventions, and did what the public voice of the Congressional District asked. Candidates who believed as the conventions and who promised to use every effort in their power to secure the passage of the

proposed law, were nominated. The members of the national House of Representatives were largely in favor of the idea, and they passed a bill that embodied it.

State Conventions and the Idea.—The idea was a public issue and a leading principle of one of the great political parties. The State Convention exercised the natural powers delegated to it in fostering the principle and in sending delegates to the National Convention who were in favor of the issue. It also named presidential electors at large pledged to vote for a President who would use his influence in securing the passage of the proposed bill. The delegates from each Congressional District met and named one elector and selected delegates to the National Convention. The electors and delegates chosen endorsed the new political thought. Other State Conventions pursued a similar course.

The National Convention and the Idea.—The National Convention met to nominate a candidate for the presidency of the United States. The Convention was largely in favor of the proposed law and made it a plank in the national platform. The President was elected on this platform, and on beginning his duties as President of the United States, recommended the passage of the law in his message. Finally, the idea was introduced in the House of Representatives in the form of a bill, and it passed the House and was sent to the Senate; the Senate passed it and sent it to the President, who affixed his signature, and it became a law.

Artificial Laws.—Any law that does not take its origin directly or indirectly from the expressed opinion and desire of the majorities is an artificial law. The people of a republic are the natural law-makers. No doubt a few of our laws began as ideas that were born in the souls of selfish men who put a dollar and personal profit above the government and the general welfare. Too many of our laws are the investments of unscrupulous financiers whose money bag, lobby, and hired corruptionists are responsible for them. They began as ideas created for selfish gain, and frequently they were known only

to the lobby and lobbyist prior to their final coinage into laws. It is to be regretted that every law that reaches the statute books does not spring from an expressed desire of the people. So long as this is done the glory of our country will not be darkened by selfish and artificial laws enacted for the benefit of selfish men. No statute should be enacted that does not give vigor and power to the civic whole.

Political Parties.—Political parties have their origin in a difference of opinion among the people concerning public questions and the rights and duties of a citizen under the Constitution. We shall have political parties as long as men use their own minds and think for themselves. The political party is the child of a representative system of government. It is the product of a government by public opinion. Without political organizations through which to express the public will and choice, it would be almost impossible for the public voice to govern and shape the policy and character of our nation and control the making of laws. Political questions must be decided by majorities, and the political party is the agent through which majorities are obtained. There is no one force in our government that does as much to create public opinion and put people to thinking about public questions as the political party. Mr. James Brice, in speaking of them, said:

“But the spirit and force of party has in America been as essential to the action of the machinery of government as steam is to the locomotive engines; or, to vary the simile, party association and organization are to the organs of government almost what the motor nerves are to the muscles, sinews, and bones of the human body. They transmit the motive power, they determine the direction in which the organs act.”

The reader will have no trouble in understanding the organization, work, and necessity of political parties if he has carefully studied the illustrations and explanations which are given on the foregoing pages and which show how an idea becomes a law. Those persons who championed the idea and labored to make it a civil law formed one organization, and those who objected to it formed another. This idea could have

been the beginning of a new political party or a plank put in the platform of one of the established parties. When you study the making of public opinion in the illustration, you study at the same time the origin of political parties as well as the general plan upon which they are operated.

Public Opinion.—There is no one question of greater importance to a free government than the expression of individual thoughts and desires concerning all questions and public issues that come before the people, and there is no higher test of one's love of country than his aggressiveness in fostering the principles of his government by becoming an active worker in the making of public sentiment. The will, ideas, thoughts, desires, and individualities of all the people should be the nation's voice and act in making laws, defining policies, and transacting all business that concerns the people. But this will not be the case unless the citizen studies the ethics of his government, thinks for himself and asserts his own natural right to be a part of every public expression. A mere negative, unexpressed self with no opinions concerning public affairs and business, is cowardly and unpatriotic. You cannot take yourself out of public opinion. You are an inseparable part of it. You are in duty bound to give it your attention, or violate a civic trust and prove unworthy of your government. Our country depends very largely upon a cultured, moral individual life that expresses itself in positive terms in a public opinion.

Unfortunately there are many honest citizens who attend faithfully to their daily business, but fail to realize that they are partly responsible for the administration of the government and its public acts. They take no interest in public issues and politics, and frequently consider their right to vote a very unimportant matter. They leave all business that concerns the people in the hands of a few men whom they designate "politicians," while they remain at home and look after the cattle, horses, sheep, crops, stores, banks, or other business, and talk incessantly about the evils that threaten their grand government. They seem to fail to understand that patriotism

demands civic aggressiveness and that their own conduct is wholly inconsistent with the thought upon which our nation is built.

Sec. 7, Clause 1.—All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

All revenue bills must originate in the House of Representatives. With this exception, a bill may originate in either House.

Sec. 7, Clause 2.—Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Sec. 7, Clause 3.—Every order, resolution, or vote, to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Orders and Resolutions.—Every order, resolution, or vote that requires the concurrent action of the two Houses must be presented to the President for his signature. This requirement was made by the convention in order to prevent Congress from passing, under the name of order, resolution, or vote and

without his signature, measures that are in their nature laws. Congress can, however, adjourn, pass an order directing the sergeant-at-arms to compel the attendance of members, vote thanks for favors received, without the consent of the President.

The Course of a Bill Through Congress.—The bill is first prepared and then it is introduced into the House by a Representative. It is then referred by the Speaker to an appropriate committee. This committee considers the bill and reports it back to the House with such recommendations as it desires to make. The recommendation of the committee is usually ratified by the House. However, it has the privilege of taking any action it may desire. If the bill is reported favorably by the committee, it is printed and copies of it are distributed among the members. Every bill is read three times upon separate days, unless by unanimous consent it is given its second and third reading upon the same day. Its final passage is voted on after its third reading. These readings are often by title only. After its passage in the House, it is sent to the Senate for consideration. After passing both Houses of Congress, it is turned over to the Committee on Enrolled Bills to be enrolled; i. e., carefully and accurately written in a plain hand on parchment. The copy of the bill which is written on parchment is signed by the Speaker of the House and then by the President of the Senate. After the signatures of these presiding officers are affixed, it is turned over to the House. It is then sent to the President of the United States, who affixes his signature, thereby making it a law.

It will not be necessary to give the course of Senate bills, as they pursue a similar course to House bills.

The Veto.—The President has the power to veto any bill that passes Congress. This executive power is one of the leading checks in our system of legislation. Vetoing a bill consists in the President's refusing to sign it and writing out his objections to the passage of the measure and sending the bill, together with his written objections, back to the House

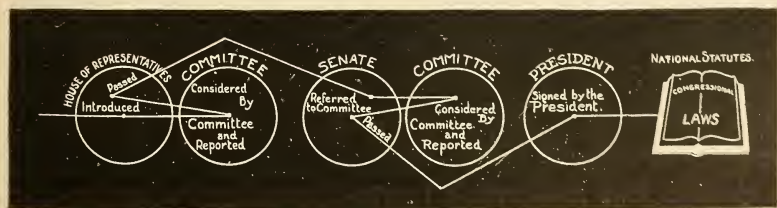
where it originated. The President can not veto one part and approve another part of a bill. He must either approve or disapprove all of the bill as a whole. Our fathers in their wisdom gave Congress a restraining power over the Executive by making it constitutional for Congress to pass a bill over the President's head with a two-thirds vote.

The Committee System.—The Congress of the United States is divided into groups known as committees. They are appointed in the House by the Speaker, and they are elected in the Senate by ballot. This appointing power of the Speaker gives him great influence in shaping national legislation. In fact, this power, together with others that are enjoyed by the Speaker, makes him one of the most powerful officers in the whole government. There are forty-eight standing and ten select committees in the House and there are thirty-two standing and twelve select committees in the Senate. Senator Hoar, in speaking of the influence of congressional committees, called them "little Legislatures." It is not hard to understand the significance of his remark when we fully realize that every measure introduced in Congress is referred to some committee before it becomes a law and that the reports of these committees are usually sustained by the House that referred the bills to them. Of course, either House has a right to reject the action of the committee and pass a bill regardless of the recommendation, but this is rarely ever done. Committee meetings for the purpose of considering a bill are usually secret. A certain time, however, may be named when the advocates and opponents of a bill may appear before the committee and argue the advantages and disadvantages of the proposed law. The work of a committee is to investigate thoroughly all bills referred to it and report to the House the result of its labors. It has a right to propose amendments to a bill and embody these proposed amendments in its report. When a committee reports a bill adversely or reports it too late for the pending session of Congress or fails to report it at all, we speak of the bill as having been "killed in the committee."

Filibustering.—A great many of the bills that have been

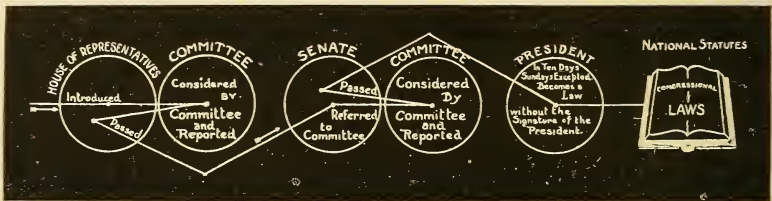
introduced into Congress and favored by a large majority of the members have failed to become laws. This happens on account of "filibustering." This method is frequently resorted to by members of the minority in order to block legislation. "Filibustering" consists of making motions to adjourn, motions to take a recess, and securing enough members to order the ye and nay vote and using all other means and dilatory tactics in order to "kill time" and prevent the bill from coming to a vote. There are many parliamentary tactics that can be employed by the minority in its work to defeat bills and block legislation. This method would be employed more frequently than it is if it were not for the minority's estimate of public opinion. Public opinion has rendered "filibustering" unpopular.

Log-Rolling.—It was no uncommon experience when the writer was a boy to assist in rolling logs. Well do we remember neighbor James' announcement that he would have a "log-rolling" on a certain day. We were on hand early that morning ready to help roll logs. Just as the sun was going down on the evening of that day all of neighbor James' logs had been rolled into log-heaps, and nature's fire was employed to complete the labors of the day. In recent years we hear of "log-rolling" in the Congress of the United States. That means that a certain Congressman has a bill which he has introduced and which he desires to become a law, and he wants his neighbors to help him roll it through Congress, and he goes to them and says: You help me pass my bill when it comes before the House and I will vote for, and help you pass your bill when it comes to a vote. Possibly the "log-rolling" method is employed in the passage of most bills.

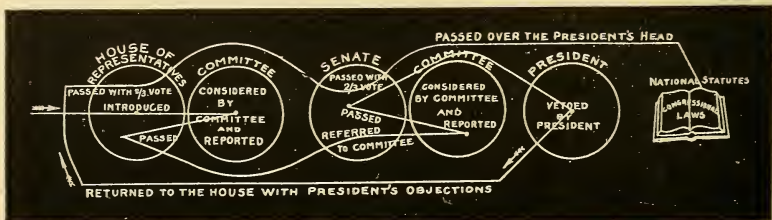


This bill was introduced in the House of Representatives.

It was referred by the Speaker of the House to an appropriate committee. It was thoroughly discussed and investigated by the committee, and reported back to the House with the recommendation that it pass. The House then passed the bill by a majority vote, and it was carried by the Clerk to the Senate. This body then referred the bill to an appropriate committee, and the committee considered the bill and reported it back to the Senate and the Senate passed it by a majority vote. The Speaker of the House and the President of the Senate affixed their signatures to it, and it was carried to the White House, where the President signed it, thereby making it a law.

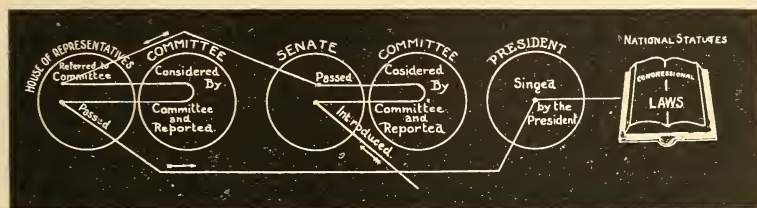


This bill pursued the same course as the first bill, until it reached the President. The Constitution gives the President ten days to deliberate whether he approves the measure sent to him by Congress. He failed to sign this bill within the ten days, Sundays excepted, and it became a law without his signature. If Congress had adjourned before the expiration of ten days or before the measure was returned, it would not have become a law. This is called a "Pocket Veto."

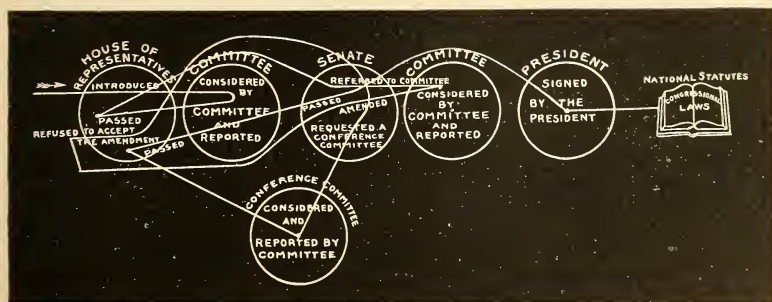


This bill was introduced in the House and was sent to a committee. The committee reported it back to the House with

the recommendation that it pass. The House passed the bill with a majority vote and sent it to the Senate. It was referred to a committee by the Senate. It passed the Senate, and was sent to the President for his signature. The President vetoed the bill, and sent it back to the House with his written objections to it becoming a law. The House took the veto and the bill under consideration and passed it by a two-thirds vote, and sent it to the Senate for its consideration. The Senate passed the bill with a two-thirds vote, thereby passing the bill over the President's head and making it a law without his signature.



This illustration is used to show that a bill can be introduced in the Senate. Any bill may be introduced in the Senate except revenue bills.



This bill pursued the same course as other bills until it reached the Senate. The Senate passed the bill with amendments and returned it to the House. The House did not agree to the amendments and sent it back to the Senate. The two Houses were unable to agree, and as the bill was an important

measure, the Senate requested a Conference Committee. This committee was appointed and consisted of members from both Houses, and the bill was sent to it for consideration. The Conference Committee reported a compromise between the two Houses with the recommendation that the bill pass with the changes offered by the committee. The House and the Senate passed the bill as reported by the committee and sent it to the President for his signature and it became a law. The Conference Committee is not usually appointed except in cases of important bills and resolutions.

SUGGESTIVE QUESTIONS.

- Who are the lawmakers in the United States?
Explain fully, as given in this chapter, the illustration which shows the development of public opinion and how an idea became a law.
Name some laws that were at first the idea of some one man, but afterwards have helped to make history.
Study some of your ideas and work that have contributed to the upbuilding of your home, neighborhood, town, or county.
In what way does the individual, the school, the home, the neighborhood, and the county, congressional district, State, and national conventions, aid in making public opinion and laws?
Tell how members of the different conventions are appointed.
What is said about artificial laws?
Are political parties necessary in a republic?
In what way does a republic depend upon the voice of the people?
What is the relation of each citizen to the public voice?
Where must revenue bills originate? Why?
Describe the course of a bill through Congress.
Tell something about the committee system of Congress.
What is meant by the President's veto?
What is "filibustering"?
What is meant by "log-rolling"?
Study the illustrations, and then tell the different ways in which a bill may become a law.
What vote does it require to pass a bill over the President's veto?
What is a "pocket veto"?

QUESTION FOR DEBATE.

Resolved, That the national Constitution should be amended so as to deprive the President of his veto power.

CHAPTER XIV.

THE POWERS OF CONGRESS.

Sec. 8.—The Congress shall have power:

Clause 1.—To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The Need of this Power.—Our government is an enormous business enterprise. It requires a vast amount of money to meet the running expenses. This money is raised through a system of taxation. The power to raise and collect taxes is a legislative function and can not be exercised by any other department of government. Congress is given the power to lay and collect taxes, to meet the expense of the government, and to provide for the common defense and general welfare of the nation. As taxes are paid by the people, it is proper that the department of government which directly carries out the people's will should have the power to lay and collect such taxes. "The idea of taxation implies equality of burdens and a regular distribution of the expenses of the government among those persons or those classes of property which are rightly subject to the burden of them."

Taxes.—"Taxes are ratable burdens or charges imposed by the legislative power upon persons or property to raise money for public purposes." Black's Constitutional Law says "Attention should be given to the four words used in the clause under consideration and their different meanings. 'Taxes' is the most general and comprehensive of the four. It is a generic term, and includes duties, imposts, and excises. But as these latter terms have specific meanings, and as the larger word is sometimes used in contradistinction to the terms of more restricted scope, it was proper that they should all be enumerated in the Constitution. 'Duties' is a term of larger import than 'imposts.' They both relate to commercial intercourse, but duties are

leviable on either imports or exports, while imposts relate only to goods brought into the country from abroad. Practically, however, the use of the word 'duties' adds nothing to the scope of this grant of power, for another clause of the Constitution forbids the imposition of duties on articles exported from any State. 'Excises' means taxes laid upon the manufacture, sale, or consumption of commodities within the country and upon licenses to pursue certain occupations. A 'capitation tax' is a poll tax. It is a fixed sum exacted from each person, without reference to his property or pursuits."

All taxes are of two kinds—Direct and Indirect.

A Direct Tax is a tax on real property or a poll tax. "It is also now held by the Supreme Court that income taxes, whether levied on the issues and profits of real estate or on the gains and interest from personal property, are also 'direct' taxes within the meaning of the Constitution." A direct tax was levied by this government four times prior to 1861. It was levied in 1861 and repealed in 1862.

An Indirect Tax is a tax assessed on one person but is indirectly paid by another. Taxes assessed on merchandise are indirect, as the consumer pays them. A large part of our national revenue is derived through indirect taxes.

Duties and Imposts are taxes on goods imported from foreign countries. They are indirect taxes, for the consumer of imported goods indirectly pays the duty assessed by this government. The selling price of the goods takes into account the item of taxes. We usually refer to all taxes of this nature as "customs."

Collection of Taxes.—It takes an expenditure of a large amount of money to collect the Federal taxes. The government has arranged a special system for the collection of import duties by naming certain places along the coast and at other points to be used as "ports of entry." Custom houses in charge of officials known as "collectors of customs" have been established at these ports. The collectors are ably assisted by "inspectors" and other help. The government has employed many officers and special agents, in order to overtake any

dishonesty on the part of any persons attempting to smuggle goods through without paying duties.

Sec. 8, Clause 2.—To borrow money on the credit of the United States.

Borrowing Money.—Congress has the power to borrow money on the credit of the United States. It is almost as necessary for Congress to have this power as it is to have the power to lay and collect taxes. This privilege is given to Congress in order to provide against any emergency that might suddenly arise and to offer the government an opportunity to arrange for extra expense in case of war and other disturbances. It has been necessary for our government to exercise this right several times, and if this power had not been extended to Congress our national existence would have been in danger.

Government Bonds.—This government issues bonds for the amount of money it borrows. A bond is a promissory note made by the government, agreeing to pay a certain amount of money with interest at a given time. Owing to the integrity of the United States, her bonds are in great demand and are sought by investors even at a low rate of interest. United States bonds can not be taxed by State governments.

Treasury Notes.—Another way the national government borrows money is to issue treasury notes known in the Constitution as Bills of Credit. A treasury note is “a bill or promissory note issued by the government of State or nation, upon its faith and credit, designed to circulate in the community as money, and redeemable at a future date.”

Sec. 8, Clause 3.—To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Regulation of Commerce.—Previous to the adoption of the Constitution, each State had the power to regulate its own commerce with foreign nations and with other States. Each State used every effort to serve its own interest at the cost of some other State and even at the expense of the general welfare

of the colonies. The plan was very unsatisfactory and worked many grievous wrongs to individuals and to States. The Constitutional Convention had but little trouble in deciding to give Congress the power to regulate commerce.

Extent of the Power of Congress.—The work of regulating commerce consists in prescribing rules by which it is to be carried on with the people of other nations as well as the people of our own country. Under the power to regulate commerce Congress has passed laws to construct lighthouses, life-saving stations, to regulate the travel of boats and vessels, and “to move obstructions in bays, sounds, rivers, creeks, inroads of the ocean, and many other kindred subjects.” It gives Congress the power to make appropriations for rivers and harbors, and if our government succeeds in building the Panama Canal, it will be under the authority given Congress to regulate commerce.

Sec. 8, Clause 4.—To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

An Alien.—Congress is given the power to provide for the uniform naturalization of aliens. An alien is a person who, on account of his birth under the jurisdiction of a foreign country, is not entitled to all the privileges of citizens of the United States.

Naturalization.—Naturalization is the legal act by which the alien is given the same privileges enjoyed by a natural-born citizen, except eligibility to the presidency and the vice-presidency.

Citizenship.—Congress has never given us a definition of citizenship, neither is it defined by the Constitution. The Fourteenth Amendment of the Constitution tells us who are citizens in the following language: “All persons born or naturalized in the United States are citizens thereof, and of the States wherein they reside.” Kent defines a citizen as follows: “Citizens under our Constitution and laws mean free inhabitants born within the United States or naturalized under the laws of Congress.”

Under these definitions an alien can become a citizen only by complying with the requirements prescribed by Congress.

Naturalization Laws of the States.—If each State had the power to form its own naturalization laws, we should have as many different kinds of laws as we have States, and this would lead to much confusion, abuse, and injustice. While the work of naturalizing a citizen belongs to the central government, yet it does not necessarily follow that a State can not under its laws extend certain privileges to the alien and permit him under certain conditions to vote even before he



Aliens who have been admitted landing in New York at the Barge Office.

is naturalized. State citizenship extended to an alien can not extend beyond the limits of the State granting this citizenship. No State can make an alien a citizen of the United States. The national government alone has this power.

Steps in Making an Alien a Citizen.—1. An alien arrives in this country from a foreign land.

2. After three years he makes oath or affirmation before a Circuit or District Court of the United States, or a Court of Record of the State, setting forth his purpose to become a

citizen of the United States and to renounce all allegiance to any other government. He can take this step before the expiration of the three years, if he desires. However, he can not secure his naturalization papers until five years from the time of his arrival. It is necessary for him to take this step not less than two years before his final admission.

3. After two years from the time he makes the above declaration and five years from the time he came to this country, he must appear before a court and declare on oath that he will support the Constitution of the United States and renounce all allegiance to any foreign government. If he has a title of nobility, he is required to renounce it also, for this is one of the first conditions necessary in the making of a true American. The court admitting him must have positive evidence that he has resided in the United States for five years and one year in the State or Territory where the court is held, and that his conduct has been that of a man of good behavior.

CONDENSED HELP.

One may forfeit citizenship by deserting military or naval service.

Under a law passed by Congress in 1852, Chinese can not be naturalized.

An American woman who marries an alien is not entitled to American protection.

No alien can become naturalized at the time his country is at war with the United States.

Children born to United States citizens while temporarily located in foreign countries are native born citizens of our government.

If an alien, after making his declaration of his intention to become a citizen, dies, his widow and children will become citizens on taking the oath of allegiance.

All naturalized citizens while in foreign countries shall receive the same protection from this country as native-born citizens.

Children under twenty-one years of age at the time their parents are naturalized are entitled to the same privileges extended children of native-born parents.

A soldier who has served one year and who is twenty-one years old and has an honorable discharge from the army of the United States becomes a citizen without a previous declaration of intention and with one year's residence.

The natives of foreign territory become citizens when the territory is incorporated into our Union by treaty or otherwise. Whole communities have been naturalized at one time; for example, Texas with all her people was admitted into the Union by a joint resolution of Congress.

“An alien, coming to this country when a minor, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one, and who shall have continued to reside therein to the time of his application, may, after he arrives at the age of twenty, and after he shall have resided five years in the United States, be admitted a citizen without the previous declaration. A woman who might lawfully be naturalized under the existing laws, married to a citizen, shall be deemed a citizen.”
—United States Statutes.

Bankruptcy.—Congress has the power to make uniform bankruptcy laws throughout the United States. Each State would have a limited right to pass laws regulating this question, provided the national government did not exercise its power. In fact, many States have passed insolvency laws at times when the national government had no bankrupt laws. A person who is unable to pay his debts is said to be a bankrupt; and the law that distributes what property he may have among his creditors and relieves the debtor from the payment of such debts is a bankrupt law.

Object of Bankrupt Law.—The bankrupt law is intended to benefit creditors and debtors. It makes a just distribution of the property of the debtor among the creditors, and, at the same time, relieves a debtor from “hopeless insolvency” and gives him an opportunity to engage in business again.

Solvency and Insolvency.—Every man is either a solvent or an insolvent. It is held by some that no man is an insolvent until he becomes a bankrupt, but we shall consider all persons who can pay their debts as solvent and those who can not pay their debts as insolvent. Every man’s business falls under one of three conditions—his resources and liabilities are equal; or his resources are larger than his liabilities; or his liabilities are larger than his resources.

The Moral Obligation.—Under the bankrupt law, a person secures a legal discharge from the payment of his debts, but this does not imply that he is morally relieved from further

obligations to his creditors. The law relieves him from the burden of being an insolvent and gives him a chance to make another effort to succeed in his work and accumulate property.

The honest man who succeeds in his business after being relieved of his debts by taking the bankrupt law, will use every dollar his circumstances (or estate) will permit in the payment of his debts.

The man of character will do all in his power to use the opportunities offered by the bankrupt law to redeem his unredeemed promises to his creditors. Bankruptcy is a test of a man's character.

Sec. 8, Clause 5.—To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

Coinage of Money.—Exclusive power to coin money and to regulate its value and the value of foreign coin is given to Congress. Under the Articles of Confederation the several States had the power to coin money. If the central government did not have this privilege, we should have as many kinds of money as we have States, and this condition would lead to a national crisis and many wrongs. All nations regard the power to coin money as a right of sovereignty. Congress also has the power to "regulate the value of money" and of foreign coin.

CONDENSED HELP.

Regulating the value of money refers to determining the ratio of one metal to another.

Regulating the value of foreign coin consists in "determining what amount of our money foreign coin shall represent."

Treasury notes, commonly called greenbacks, were by the Act of 1862 made legal tender for any amount.

The Bureau of the Mint is located in the Treasury Department. A Director is at the head of this Bureau. Each Mint has a superintendent, who reports to the head Director. The leading mint is located at Philadelphia. Branch mints are located at New Orleans, Louisiana; Carson City, Nevada; and San Francisco, California. The government has assay offices at New York City; Denver, Colorado; and Boise, Idaho. Letters are put on coins to show what mint struck them off; for example, "C. C.," Carson City. The government has issued the following coins: One, two-and-a-half, three, five, ten, and twenty-dollar gold pieces. The two-and-a-half piece is

known as the quarter eagle; the five, a half eagle; the ten, an eagle; and the twenty, as a double eagle. These coins are legal tender in the payment of all debts, public and private. The silver dollar is legal tender for all amounts. The quarter and half dollar are legal tender for amounts not exceeding ten dollars. The five-cent, three-cent, and one-cent coins are legal tender for any amount not exceeding twenty-five cents. The government also issues paper money. It is made at the Bureau of Printing and Engraving. "The kinds of paper money now in circulation are United States notes, silver certificates, gold certificates, treasury notes of 1890, and national bank notes.

Standard of Weights and Measures.—But little has been done by Congress in the execution of this power, except to secure copies of English standards and adopt them in the Custom Houses of this country, and "to pass a permanent statute for the use of the metric system throughout the United States." All the States have adopted the same standard of weights and measures used in the Custom Houses, thereby making a uniform standard throughout the country. The States have a right to regulate this question, provided it is not done by Congress, "but, if Congress should at any time proceed to adopt a uniform national system, all State laws in so far as they might be inconsistent therewith, would be suspended and superseded."

Sec. 8, Clause 6.—To provide for the punishment of counterfeiting the securities and current coin of the United States.

Counterfeiting.—Government bonds, treasury notes, certificates, etc., are securities of the United States. Congress has power to punish counterfeiting of these securities and of the current coin. To counterfeit is "to copy or imitate without authority or right, and with a view to deceive or defraud by passing the copy for the original or genuine." If the government did not have this power, spurious coin and securities would be circulated and people would be afraid to use money as a medium of exchange, the whole system of barter and commerce would be disturbed, and a national calamity visited upon the people. This power of Congress does not preclude the State's privilege to pass laws to punish counterfeiting of securities and coin manufactured and circulated in the United

States. Black's Constitutional Law says: "While Congress has exclusive authority to define and punish the crime of making or producing counterfeit coin, the States may validly enact laws against the passing or uttering of counterfeits, or against having in possession tools or implements intended for use in counterfeiting. The reason is that the former act is an offense against the United States alone; but the States have a right to punish for the fraud and wrong done by one who knowingly imposes upon his fellow-citizens with false and worthless imitations of money."

Not only persons who manufacture forged coin and securities, but persons who put them into circulation or have them in their possession for the purpose of putting them into circulation, are guilty under the law and can be punished by severe penalties fixed by law. Congress has the power also to punish counterfeiting of foreign securities.

Sec. 8, Clause 7.—To establish post-offices and post-roads.

Post-Offices and Post-Roads.—A post-office is the place where mail is received, stamped, transferred, delivered, and distributed; and a post-road is the road on which the mail is carried. "The statute declares all the waters of the United States, during the time the mail is carried thereon, all railroads and canals, and all letter-carrier routes in towns and cities to be 'post routes.'" Under this clause of the Constitution, Congress has the power not only "to designate the places where post-offices shall be kept, and the roads over which the mail shall be carried," but it gives Congress the power to build post-offices, make contracts for the carrying of the mail, and, when necessary, to open and build post-roads and provide for all other features connected with maintaining and operating the postal service system. The law defines as post-roads "all letter-carrier routes in towns and cities, all railroads and canals, and all waters of the United States during the time the mail is carried thereon."

Sec. 8, Clause 8.—To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Object.—The national government has the exclusive power to protect authors and inventors by issuing copyrights and patents. All of the great inventions and the best literature; in fact, every invention, book, map, chart, musical composition, engraving, etc., at one time existed in the mind of man. The government recognizes the powers of the individual and “promotes the progress of science and useful arts” by giving to man the exclusive rewards of his labor. Most of the great



Library of Congress, Washington, D. C.

inventions are worked out and books written by poor men, and, if they were not protected by the copyright and patent, they could not afford to spend their time in such a work. Necessity would force them to give their attention to other matters. Neither would the rich man be likely to give years of ceaseless toil in working out an idea unless his government protected him in the enjoyment of the reward of his labors.

Copyright.—A copyright gives the author of a book, chart, map, musical composition, engraving, painting, drawing, chromo, statue, and other productions of similar nature the

exclusive privilege of printing, publishing, and selling them for a term of twenty-eight years. At the expiration of twenty-eight years, it may be renewed for fourteen years.

Securing a Copyright.—The author works out the title page of the book, map, chart, painting, musical composition, engraving, cut, or photograph, or a description of the statue, chromo, painting, drawing, etc., has it printed, and delivers it or sends it by mail prepaid to the Librarian of Congress, Washington, D. C. This title must contain the name of the claimant of the copyright and the date of the application.

The kind of type is immaterial. The printing of the type-writer is accepted. The fee for recording the title is fifty cents for a naturalized citizen and one dollar for a foreigner, and the same amount is charged for a copy of the certificate of copyright. This makes a total cost of one dollar for the naturalized citizen.

Within ten days after the publication of the book or other article, two complete copies of the best edition issued must be sent to the Librarian of Congress, Washington, D. C. A copyright would be void without the deposit of the two books.

Notice of the copyright must appear on the page following the title page. The following forms are used: Copyrighted, 19—, by ———; or, Entered according to an Act of Congress in the year ———, by ——— in the office of the Librarian of Congress at Washington, D. C.

Patent Rights.—Letters patent are granted by the United States government to “inventors and discoverers of any new or useful art, machine, manufacture, or composition of matter, or any new and useful improvement on such, which had been previously unknown and had not been used by others, and which had not been on sale or in public use for more than two years prior to the application for a patent.” Application for a patent is made to the Commissioner of Patents, Washington, D. C. A full description, together with such drawings of the invention as may be necessary, must accompany the application. Each patented article should be stamped “patent.” It

costs thirty-five dollars to secure a patent. A patent protects an inventor in the exclusive right to manufacture and sell his invention for a period of seventeen years. No extension of this time can be made except by a special act of Congress.



United States Patent Office, Washington, D. C.

Sec. 8, Clause 9.—To constitute tribunals inferior to the Supreme Court.

The Supreme Court was named by the Constitution and organized by Congress. Inferior courts have been organized by Congress. Each one will be considered under Article 3.

Sec. 8, Clause 10.—To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Piracy and Felony.—Congress has the power to define and punish piracies and felonies. Piracy is robbery on the high seas. Under the Law of Nations the slave trade is not considered piracy, but Congress under this clause has declared it to be piracy. The term high seas refers to the ocean whose waters are common to all the nations of the world. A State or nation has jurisdiction over the sea extending about three miles from its coast line, or extending three miles from the low-water mark. The Law of Nations is a code of rules based on the moral law and principles of natural justice, that governs nations in their relations to each other.

Sec. 8, Clause 11.—To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Declaring War.—The power to declare war very properly belongs to that branch of Congress which is the closest to the people, who have to bear its burdens and hardships. A declaration of war is a formal notice given by one nation announcing its determination to prosecute a war against another. In this country this declaration must be made by Congress; while in monarchical governments this power belongs to kings. War may exist without a declaration.

Letters of Marque and Reprisal.—"Marque signifies boundary." Letters of marque and reprisal are commissions issued to private persons permitting them to go beyond the limit of the country and take the person or property of subjects of another nation as a retaliation for some injury committed by such a nation. Reprisal means a retaking. This indicates the reason for issuing the commission. Vessels having in their possession these commissions are called privateers. The custom of issuing letters of marque and reprisal was formerly common, but in recent years it is looked upon as a disreputable method.

Sec. 8, Clause 12.—To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

Maintaining and Supporting Armies.—Under the Articles of Confederation, Congress could declare war, but had no power to raise and support armies. It had the power to make requisitions on the State and land forces, but no power to enforce its own action. It had been thoroughly established in the minds of the great statesmen during the Revolutionary War that this system was not only inadequate, but dangerous. The Constitutional Convention had no trouble in deciding to give Congress the power to raise and support armies. This power was severely criticized by the States when the Constitution was submitted to them for ratification. The privilege to declare war is a national sovereignty that belongs to the people. The Convention recognized this fact in placing a

restriction on Congress by declaring that an appropriation of money for this purpose shall not be for a longer term than two years. This restriction practically places the standing army in the hands of the people, for each new Congress is required to vote upon a bill authorizing a standing army and its support. It is now the custom for Congress to vote on this question annually. If one Congress should refuse to vote for the support and continuation of a standing army, it would be forced to disband. Under the two-year restriction, the people have the power to regulate the size of the standing army and the number of military offices.

Sec. 8, Clause 13.—To provide and maintain a navy.

The Navy.—No government needs a great navy more than the United States. Our immense sea coast dotted with many of our greatest cities, a vast commerce with the nations of the world, and other interests, make it necessary for this government to have a strong and well-built navy, disciplined and managed by trained men. Congress is given the power to provide for and maintain a navy.

Sec. 8, Clause 14.—To make rules for the government and regulation of the land and naval forces.

The Military Law.—Congress under this clause has prescribed a code of rules known as the "military law" for the discipline, government, and regulation of the army and navy. Members of the army and navy who violate the military law are tried by a court martial, and punished according to the law. For capital punishment and a few other cases, the approval of the President is necessary.

Sec. 8, Clause 15.—To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

The Militia.—Besides the standing army, the defense of the country is provided for through the militia. Congress has declared that "all citizens, and those who have declared their intention to become such, between the ages of eighteen and

forty-five" are the militia of the United States. If Congress did not have this power, it would be necessary for this country to have a larger standing army. Americans are intensely patriotic, and the unorganized and organized militia can always be relied upon to respond to the national call to execute the laws, suppress insurrections, and repel invasions. Congress has given the President in certain emergencies the power to call out the militia. Congress has power when necessary to call out the militia. The national guard constitutes the organized part of the militia. This portion of the militia is equipped, drilled, and officered by the States according to rules prescribed by Congress. When the militia is needed, the President makes the call through the governor of the State. The militia was called out during the Whisky Rebellion, the War of 1812, the Civil War, the Spanish War, and to suppress the Philippine insurrection.

Sec. 8, Clause 16.—To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Rights Reserved to States.—It will be observed in this clause that while Congress imposes upon the national government certain duties, it at the same time recognizes the natural rights that belong to the States. Congress prescribes uniform rules for the training of the militia, but reserves "to the States respectively the appointment of the officers and the authority of training the militia."

Sec. 8, Clause 17.—To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Government of the District of Columbia.—Upon one occasion when the Continental Congress was in session in

Philadelphia, it was surrounded by a mob of mutineers from the American army. It was subjected to insults, and, as the civil authority of the State of Pennsylvania offered no protection, was forced to go to Princeton, New Jersey, in order to escape violence. Many of the members of the Continental Congress were afterward members of the Constitutional Convention, and they had no trouble in convincing the majority of the members of the Convention that the United States should have absolute control over its seat of government, in order to guard against any future embarrassment and danger that might arise from any source. This clause gives the government also an opportunity to protect its public buildings, archives, and other property and interests.

Federal Territory.—The territory now occupied by the District of Columbia was ceded by Maryland to the United States. Virginia also ceded territory. Both States combined gave about one hundred square miles. That part of the territory ceded by Virginia was, nearly sixty years afterward, returned to Virginia by an Act of Congress. The present District of Columbia contains less than seventy square miles.

Present Government of the District.—The District of Columbia is neither a State nor a Territory. It is not governed by the people of the District of Columbia, but by Congress. Its government was vested, by an Act of Congress approved June 11, 1878, "in three commissioners, two of whom are appointed by the president from citizens of the District, having had three years' residence therein immediately preceding that appointment, and confirmed by the Senate. The other commissioner is detailed by the President of the United States from the corps of engineers of the United States army." The appointments are made with the consent of the Senate. Congress is the legislative body of the District of Columbia. However, it has entrusted to the commissioners authority to make police regulations, building regulations, plumbing regulations, and other regulations of a municipal nature.

Suffrage and Taxation.—The inhabitants of the District of Columbia have no political rights. They have no right to vote. The Federal government pays for one-half of the expenses of the local government, and the property owners of the District for the other half.

Sec. 8, Clause 18.—To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or offices thereof.

Implied Powers.—This clause does not grant any new power. The earnest student of government has already noticed that there is only an enumeration of the powers of Congress in the Constitution and no definitions. This clause has given rise to what is known as “implied powers.” The Constitution says: “Congress has the power to borrow money on the credit of the United States;” but it does not say that Congress has the power to issue bonds or other evidences of the debt. This power, however, is implied and is necessary in order to carry into execution the expressed powers of Congress. Mr. McCleary, in his book on “Studies in Civics,” says: “Congress has power to declare war. By implication it has power to prosecute the war by all legitimate methods known to international law. To that end it may confiscate, therefore, their slaves.” Congress would have great difficulty in putting into execution the expressed powers of Congress without the exercise of implied powers. “This clause,” says Story, “neither enlarges any power specifically granted, nor is it a grant of any new power to Congress; but it is merely a declaration for the removal of all uncertainty that the means of carrying into execution those otherwise granted or included in the grant. Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an expressed power and necessary to its execution. If it be, then it may be exercised by Congress. If not, Congress can not exercise it.”

SUGGESTIVE QUESTIONS.

- How is the money that is needed to run our government raised?
Give the general plan.
What is meant by laying and collecting taxes?
Define duties, imposts, excises, and customs.
How many kinds of taxes?
What is a direct, an indirect, and an income tax?
Will a good citizen cheerfully pay a just tax? Why?
Why is it that some citizens are careful in meeting their moral obligations but are indifferent about paying a just tax?
Why is it necessary for the government to have the power to borrow money?
How does the government borrow money?
What securities does the government offer?
What is the credit of the United States?
What stands for the credit?
Can our personal property be taken for the payment of the government's debts? How?
What are United States bonds and bills of credit?
Define commerce.
What is meant by regulating commerce?
Who has the power to regulate commerce?
Of what does the work of regulating commerce consist?
Define naturalization. Define citizenship.
What department of government has the power to make a uniform law of naturalization?
Why is it necessary to have naturalization laws?
Can a State pass naturalization laws?
Can a State make an alien a citizen of the United States?
Give the steps and tell what is necessary in making an alien a naturalized citizen.
How may a citizen forfeit his citizenship?
Can a Chinaman be naturalized? Why?
Can an alien whose country is at war with this country be naturalized? Why?
Is a child born to United States citizens while temporarily in a foreign nation native-born? Why?
If an alien should die after making a declaration of his intention to become a citizen, what effect would his death have on the naturalization of his children?
Do children of foreign-born parents, who are under twenty-one years of age at the time of the naturalization of their parents, enjoy the same privileges as American-born children?
What special privileges are enjoyed by soldiers who have served our country and who desire to become naturalized?
How may the natives of foreign territory that has been incorporated into the union, become citizens?
What special privilege is enjoyed by minors who come to this country three years before they arrive at the age of twenty-one? Explain.
Who made our bankrupt law?
When do the States have a right to make bankrupt laws?
Who is a bankrupt?

What is the object of our bankrupt laws?

Define solvency.

What is the condition of a solvent's business?

What is the moral obligation of every citizen when his resources and liabilities are equal?

What are his privileges when his resources are much greater than his liabilities?

Define insolvency.

What is the moral obligation of a citizen when his liabilities are much greater than his resources?

Has a man a right to ask credit of his neighbor when he himself is financially embarrassed?

If an honest man is forced into bankruptcy and afterward accumulates a fine property and is amply able to do so, will he pay off the obligations he made before he took advantage of the bankrupt law?

Define money.

Who has the right to coin money?

What would be the result if each State had the power to coin money?

Is the power to coin money a sovereign privilege? Why?

What is meant by regulating the value of money and of foreign coin?

What are treasury notes?

Of what does the bureau of the mint consist?

Where is it located?

Where are the United States mints located?

Where are the assay offices?

Name the coins authorized by the government.

To what extent is each a legal tender for the payment of debts?

Who has the power to fix the standard of weights and measures?

Of what does this consist?

What standard of weights and measures has been adopted?

When may the States regulate this question?

What are the securities and current coin of the United States?

Define counterfeiting.

Who has exclusive authority to define and punish counterfeiting?

Can a person be punished for circulating counterfeited securities and coin? Why?

What is a post-office and a post-road?

Who has the power to establish post-offices and post-roads?

Name some of the post-roads.

How is the expense for maintaining the post-office department met?

What is a copyright and a patent?

What is a patented article?

What is the object of issuing copyrights and patents?

What may be copyrighted?

What does a copyright cost?

For how long is the copyright good?

Can it be renewed? Tell everything about securing a copyright.

What is meant by letters patent? By whom granted? Why issued?

To whom is application for a patent made?

Give the steps in securing a patent? For how long is a patent good?

May the time be extended? By whom?

Quote the constitutional words that authorized a supreme and inferior federal courts.

Who has the power to define and punish piracies and felonies?

Define piracies and felonies.

What is meant by high seas? What is meant by law of nations?
Who has the power to declare war and grant letters of marque and reprisal?
Why?
What is a declaration of war? May war exist without a declaration?
How often has the United States declared war? When?
What are letters of marque and reprisal?
What are privateers?
Who has the power to raise and support armies? Why?
For what length of time may money be appropriated for the maintenance of the army?
In what way do the people constitute a check on the standing army?
How may the people abolish the standing army?
Of what is the navy of the United States composed?
Why is a navy necessary?
Who provides for and maintains the navy?
Give the constitutional words that authorize this government to make military laws for the discipline of the land and naval forces.
To what extent may punishment be inflicted under the military law?
What is the militia?
What is the difference between the militia and the standing army?
When can the federal government call out the militia?
Who has the right to appoint officers and train the militia?
Why is it necessary for the government to have absolute control over its seat of government?
Who ceded the territory now occupied by the District of Columbia?
About what is the area of the District of Columbia?
Tell how the District of Columbia is governed.
What political rights do the inhabitants of the District enjoy?
Who pays the expenses of maintaining the government of the District of Columbia?
Explain fully Section 8, Clause 18, of the powers of Congress. .

QUESTION FOR DEBATE.

Resolved, That an income tax is just.



PRESIDENT ROOSEVELT,

CHAPTER XV.

LEGISLATIVE PROHIBITIONS AND STATE LIMITATIONS.

Sec. 9, Clause 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The Slave Trade.—At the time the Constitution was formed, the slave trade was carried on between Africa and a number of the States of the Union. Some of the States had prohibited slave trade by State laws. However, others permitted it and insisted on being given the constitutional right to continue it. The convention finally decided to recognize the slave trade until 1808. The importation of slaves was prohibited by a Congressional law which took effect January 1, 1808. It was estimated that between the adoption of the Constitution and the year 1808 over three hundred thousand slaves were imported into this country. The Federal Government had a right to impose a tax of ten dollars for each slave imported, but it never exercised this privilege. This clause is now obsolete, and is of only historical interest.

Slavery Prohibited.—The Thirteenth Amendment to the Constitution of the United States, which abolished slavery in every part of the United States and all the territory under its jurisdiction, was ratified December 18, 1865, and the negro was given by this and later amendments, the same constitutional rights enjoyed by the white man.

Sec. 9, Clause 2.—The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

Writ of Habeas Corpus.—A writ is an instrument in writing issued by authority of law, commanding the person to whom it is directed to do a certain act. Habeas Corpus means “you may have the body,” and the writ (once in Latin,

now in English) commands the officer to whom it is addressed, to bring into court the body of the person whose detention is inquired into. The writ of habeas corpus is regarded as one of the greatest safeguards against unlawful imprisonment. If a person is imprisoned, he, or his friends, may make application before a competent judge for a writ authorizing the person to be brought before him for an investigation of the legality of the imprisonment. The person or persons detaining him will be given an opportunity to show reasons why the person should not be discharged. If, after the evidence is heard, the judge is of the opinion that the accused is not lawfully detained, he will discharge and release him. But the guilt or innocence of the accused, the truth or falsity of the charges against him are not inquired into. This clause of the Constitution provides that the privilege of the writ of habeas corpus can not be suspended except "in cases of rebellion or invasion the public safety may require it." When this privilege is exercised by the government, it must be ordered by Congress, or by the President when authorized by Congress. When the privilege is suspended, it can affect only those parts of the country in a state of war. The privilege of the writ was never suspended until 1861.

Sec. 9, Clause 3.—No bill of attainder or ex post facto law shall be passed.

A Bill of Attainder.—The following extract from a decision of Mr. Justice Field, of the Supreme Court, gives us an excellent definition of this bill:

"A Bill of Attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge; it assumes, in the language of the text-books, judicial magistracy; it pronounces upon the guilt of the party, without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced,

whether conformable to the rules of evidence or otherwise; and it fixes the degree of punishment in accordance with its own notions of the enormity of the offense. . . . These bills are generally directed against individuals by name; but they may be directed against a whole class."

Ex Post Facto Laws.—An ex post facto law declares an act to be a crime when it was not such at the time it was done; or enlarges or makes more heinous its punishment though it was a crime when committed; or even changes the rules of evidence so as to make it easier to convict the accused. Ex post facto laws relate exclusively to crimes and are void because unconstitutional.

Sec. 9, Clause 4.—No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Capitation and Direct Taxes.—A capitation tax is a tax on the head. This clause was made a part of the Constitution to guard against levying a special or poll tax on the two-fifths of the slaves not enumerated for representation mentioned in Article 1, Section 2, of the Constitution. The national government has never levied the capitation tax. "A direct tax is one which is demanded from the very persons who, it is intended or desired, should pay it." The abolition of slavery renders this clause useless.

Sec. 9, Clause 5.—No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

Export Duties.—The United States can not lay a tax or duty on any article exported from one State to another. Congress is also prohibited from discriminating between the ports of different States.

Entering and Clearing.—Before a ship can "enter" a port, one of her officers must report the arrival of the ship and the nature of her cargo to the Custom House authorities and

get permission for her to "enter." "To clear" is to obtain from the same authorities the necessary papers permitting her to sail out of the port. All ships arriving from foreign ports are required to "enter," and all that sail for foreign ports must "clear" before entering and leaving port. Vessels sailing from one American port to another are not obliged to "enter," "clear," or pay taxes at the ports of States other than that to or from which they may be bound.

Sec. 9, Clause 6.—No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Congress and the Treasury.—This clause places a limitation on the executive department. Those who have charge of the public treasury are appointed by the President, and without this limitation he would have an opportunity to use the public funds to foster his own private interests. This condition might lead to an overthrow of our liberty and to a national crisis. As it is, not a dollar can be appropriated out of the treasury except by Congress. The governmental expenses are appropriated annually.

Annual Report.—A complete report of all receipts and expenditures is made to Congress annually. This requirement secures a proper use of the public funds and great accuracy in keeping the accounts of the government. Any citizen has a right to examine the annual report issued by the Treasury Department or any other department of the government.

Sec. 9, Clause 7.—No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

Titles of Nobility.—This government would not be consistent with the theory of equality upon which our republic is built should it grant any of its subjects a title of nobility. This government was established for all the people and not to

encourage class distinction, social caste, and form, by granting titles of nobility. The self-controlled citizen of Christian character is America's nobleman.

Presents.—If Federal officers could receive gifts of value of any kind from a foreign king, prince, or state, they might be influenced to sacrifice the interest of the nation. In case a foreign power should desire to compliment an official of this country with a gift, Congress may authorize the officer to accept it.

Sec. 10, Clause 1.—No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Sec. 10, Clause 2.—No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Sec. 10, Clause 3.—No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Treaties and Confederations.—It would not be consistent with the idea of national sovereignty if a State could enter into treaties, alliances, confederations, and grant letters of marque and reprisal. An arrangement of this kind would lead to international entanglements and to the destruction of our Union. It was intended to take away from the States and to vest exclusively in Congress matter affecting our relations with foreign powers and further such internal affairs where uniformity was necessary.

Money and Bills of Credit.—Bills of credit are "paper issued by the sovereign power containing a pledge of its good faith and designed to circulate as money." If each State had the privilege to coin money, we would have as many kinds of

money as we have States, and this would lead to a multiplicity of commercial derangements, inconveniences, and to national danger. The power to coin money is a privilege that belongs to the highest sovereign authority.

Legal Tender.—If a State had a right to name any metal for its legal tender, different States would, no doubt, name different metals, and this would destroy our commercial system. Without this constitutional prohibition, one State might name gold and silver while another might select much cheaper metals, but under the Constitution no State can “make anything but gold and silver a tender in payment of debts.” This gives us national uniformity.

Bills of Attainder and Ex Post Facto Laws.—The States are prohibited from passing bills of attainder or ex post facto laws, for the same reason that the central government is denied these powers. It is a prohibition in the interest of justice.

Contracts.—A valid contract must be made in good faith and have in it the elements of a moral transaction. The Constitution is itself a moral law, and implies a faithful discharge of all moral contracts whether made by Nation or State. The Constitution wisely prohibits any State from declaring invalid a valid or moral contract.

Titles of Nobility.—The same moral principle governs the State and Nation. If it were right for a State to make dukes and duchesses by awarding a title of nobility, it would certainly be right for the national government to do the same thing. The Constitution prohibits the Nation and State from granting titles of nobility. It thereby recognizes the qualities that belong to supremacy of character and to the brotherhood of the people.

Duties.—The system of regulating commerce and of laying duties or imposts on imports and exports is largely in the hands of Congress. We find, however, in Clause 2 one exception—a State is given the privilege to lay duties to an amount “absolutely necessary for executing its inspection laws.” If the

amount levied should be more than the amount needed for this purpose, the balance would go to the treasury of the United States. The State inspection laws are also subject to the revision and correction of Congress. This prohibition on the States makes it impossible for a State to selfishly use this power under cover of inspection laws.

Inspection Laws.—Inspection laws are the laws and regulations governing the inspection or examination of commodities offered for sale. The object of these laws is to detect fraudulent practices, improve the quality of commodities, and to indicate the quality of each by marking it.

Tonnage.—Tonnage refers to duties on ships. When duties are laid upon ships, the amount is determined by the capacity of the ship, and not by the size or weight. States are prohibited from laying duties on ships because this is a means of regulating commerce, which power belongs to the national government. A State has the right to "tax ships belonging to citizens or other persons residing within their borders as other property, the tax to be according to their value."

Other Federal Rights.—States are not allowed, without the consent of the Congress, to keep troops or ships of war in time of peace, enter into an agreement with another State or foreign State, or engage in war when not in imminent danger, because all of these powers by the very nature of our government belong to the Federal sovereignty. Without these prohibitions, one or more States could weaken the Union, destroy domestic tranquility, work for the common defense of one or more States, ignore the general welfare of the Union, and deprive citizens of the blessings of liberty that naturally belong to each of them under a republican form of government. The troops referred to are the regular standing army and not the militia.

SUGGESTIVE QUESTIONS.

- Give some history of the slave trade in the United States.
 What was said in the Constitution concerning it?
 Until what period did the Constitution recognize the slave trade?
 When was the importation of slaves to this government prohibited?
 About how many slaves were imported to this country?
 Did this government ever impose a tax on imported slaves?
 What amendment of the Constitution of the United States prohibits slavery?
 What is a writ of habeas corpus? When may it be suspended? Who may suspend it?
 Has it ever been suspended by this government?
 Can Congress pass a bill of attainder or an ex post facto law?
 Define each.
 What is a capitation tax?
 Has the federal government ever levied a capitation tax?
 Can one State lay a tax or duty on the articles exported from another State?
 Can Congress discriminate between the ports of different States in the assessment of taxes?
 What is meant by a ship entering and clearing a port?
 Do ships bound from one State to another have to enter and clear?
 How may money be taken out of the treasury of the United States?
 How often is the Secretary of Treasury required to make a report?
 What does this report contain?
 What is a title of nobility?
 Why does the Constitution prohibit our government from granting titles of nobility?
 How may a person holding a federal office of profit or trust, accept a present, emolument, etc., from a king or a prince of a foreign State?
 Name fifteen constitutional restrictions placed on the States, and tell about each.
 What are the inspection laws?
 What is the object of these laws?
 To what does tonnage refer?

QUESTION FOR DEBATE.

Resolved, That a capitation tax is unjust and should be abolished in every State in the Union.

CHAPTER XVI.

THE EXECUTIVE DEPARTMENT.

Art. 2, Sec. 1, Clause 1.—The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

The Chief Executive.—The government under the Articles of Confederation had no chief executive to enforce the laws and lead in the shaping of a national policy. The Constitutional Convention had but little trouble in deciding to provide for a strong executive department, but had great difficulty in deciding whether the executive should be single or plural. Some of the greatest statesmen in the Convention wanted two or more executives. One President looked too much like a king, and this did not suit them, as they had just relieved themselves of the despotic rule of a tyrant. The Convention, however, finally and wisely declared that the executive power shall be vested in a President of the United States of America. Time has proved the wisdom of this conclusion. All believe at the present time that the executive power should be vested in one man.

Term of Office.—Some of the great men of the Convention were of the opinion that the President should serve during good behavior. However, a large majority of the members believed that he should serve for seven years and be ineligible for a second term. Owing to a former agreement concerning the plan of election, a compromise was formed, and his term of office was fixed at four years, and he was made eligible for a second term. Time and experience have not proved the wisdom of this action on the part of the Constitutional Convention. Many great men believe to-day that the term of office should be longer and that the President be made ineligible to a second term. Kent says: "The election of a supreme executive for a whole nation affects so many interests, addresses itself so strongly to public passion, and holds out such



White House, Washington, D. C.

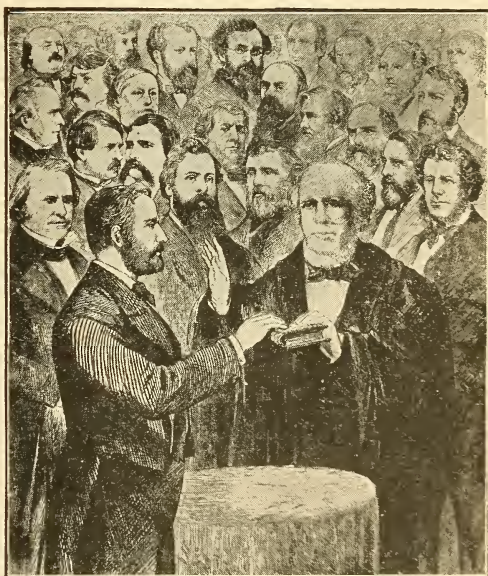
President Harrison in his work on "This Country of Ours," pictures the life of the President as follows: "It (the White House) is an office and a home combined—an evil combination. There is no break in the day—no change of atmosphere. The blacksmith when the allotted hours of work are over, banks his fire, lays aside his leather apron, washes his grimy hands and goes home. There is only a door—one that is never locked—between the President's office and what are not very accurately called his private apartments. The mail that comes daily to the Executive Mansion is very large; in the early months of an administration it is enormous, as many as eight hundred letters being sometimes received in a day. Unless the President is very early, he will find some callers waiting for him as he passes through the Cabinet room to his office. His time is so broken into bits that he is often driven to late night work, or to set up a desk in his bedroom, when preparing a message or other paper requiring unbroken attention. For the first year and a half of an administration the President spends from four to six hours of each day talking about things he will not have to act upon for months, while the things that ought to be done presently are hurtfully postponed. This is only an outline of a business day and its surroundings, but it will serve, perhaps, to show that the life of the President is a very busy one. What contrariety and monotony! One signature involves the peace of the nation, another its financial policy, another the life of a man, and the next the payment of ten dollars from the National Treasury."

powerful temptations to ambition, that it necessarily becomes a strong trial to public virtue and very hazardous to public tranquillity. This is the question that is eventually to test the goodness and try the strength of the Constitution."

Sec. 1, Clause 2.—Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress. But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Presidential Electors.—The President and the Vice-President are selected or voted on by electors selected in the different States in such manner as the Legislatures thereof may direct. Each State is entitled to as many electors as its total number of national Representatives and Senators. A person holding a United States office is prohibited from being an elector.

Manner of Choosing Electors.—The manner of choosing electors is now about uniform in all the States. The method is to choose the electors by the popular vote of the whole State. Each political party usually nominates



President Grant Taking the Oath of Office in 1873. The Picture Shows the Faces of many other Eminent Men.

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the full number of electors and then makes every effort to carry the vote of the State for its party. Each Congressional District usually names one elector for the district and the State convention names two to represent the State at large.

THE ORIGINAL CLAUSE.—Sec. 1, Clause 3.—The electors shall meet in their respective States, and vote by ballot for two persons, of whom one; at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

We give above the third clause of the original Constitution. This clause was abrogated by the Twelfth Amendment, which became a part of the Constitution, September 25, 1804. This clause is given in order to offer the student an opportunity to note the difference between it and the Twelfth Amendment. Space will not permit a discussion of the causes that led to the adoption of the Twelfth Amendment and the abolition of the third clause.

TWELFTH AMENDMENT.—Art. 12.—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and

House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Sec. 1, Clause 4.—The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

THE ELECTORAL COLLEGE.—CONDENSED HELP.

The apportionment of electors in each State is made on the same principles that govern representation in Congress. Under Article 1, Sec. 2, Clause 3, of the Constitution, we learned that State representation in the House of Representatives was determined by its population. Each State has equal representation in the Senate.

Congress fixes by law, under each census, the number of national representatives. Under the census taken in 1900, Congress has fixed the representation at 386 in the House of Representatives. The President elected in November, 1904, was elected by an Electoral College composed of 476 members, which is equal to the total number of national Representatives and Senators under the census of 1900. It takes a majority of the members of the Electoral College to elect a President. This will be the membership of the Electoral College until a new census is taken, unless other States are admitted into the Union. If new States are admitted, they will be entitled to representation in the Electoral College.

We speak of a presidential election as taking place on the first Tuesday after the first Monday in November every four years. Strictly speaking no vote is given for President and Vice-President on that date. We

vote for electors, and not for the President and Vice-President. It is true that we vote for electors nominated by the political organization with which we affiliate, and we have in mind at the time of casting our ballots the election of the candidate nominated by our organization. The electors nominated are pledged to vote for the party's candidate. No elector has ever been known to violate his pledge, but they have the power to do so. The electors are chosen by the direct popular vote of each State.

A law was passed September 3, 1887, requiring the chosen electors in each State to assemble at the State capitol on the second Monday in January following the vote for electors and vote for a President and Vice-President. Three copies of the State vote are made and each sealed. One is sent by mail and one by special messenger to the Vice-President of the United States. The third copy is filed with the District Judge of the Federal Court of the district in which the vote is cast.

The two branches of our national Congress meet in the House of Representatives the second Wednesday in February following the vote for electors, and the sealed vote of the electors from each State is broken by the President of the Senate and handed to the tellers appointed to count the vote. Candidates receiving the required number of votes are declared to be elected President and Vice-President of the United States. Really there is no election until this time. Notwithstanding, we know who will be elected immediately after the election held in the different States.

Under the Twelfth Amendment, the President and Vice-President are voted for separately. The person having the greatest number of votes and a majority of the votes of the Electoral College shall be President. If no one receives a majority of the votes, the House of Representatives is required to elect a President from the three persons receiving the largest number of votes. In case the election of the President goes to the House of Representatives, each State has but one vote. If the Vice-President should not be elected by the Electoral College, the Senate elects him from the two receiving the highest number of votes. If the House of Representatives should fail to elect a President before the 4th of March, then the Vice-President shall act as President.

In 1876, the Democratic and Republican parties each claimed the election of their respective electors in Florida, Louisiana, Oregon, and South Carolina, and, as a result, double election returns were sent in by these States. The election of the President and Vice-President depended upon the vote of these States. Consequently, great excitement prevailed, and the contest over the disputed returns was intense. Double returns had been sent in at previous elections, but this was the first time in the history of the country when the election of the President depended upon them. An Electoral Commission was appointed by Congress in January, 1877, consisting of five United States Senators, five members of the House of Representatives, and five Associate Judges of the United States Supreme Court. The vote of the commission stood seven for Tilden and eight for Hayes, and, as a result, Rutherford B. Hayes, the Republican candidate, was declared President of the United States. He was elected by a party vote.

The Hays and Tilden contest of 1876 brought a serious defect in the presidential election law to the attention of Congress, and it passed an act shortly after the decision of the Electoral Commission requiring each State to decide any contest that might arise out of choosing presidential electors. In case the electors are not selected at least six days prior to the meeting

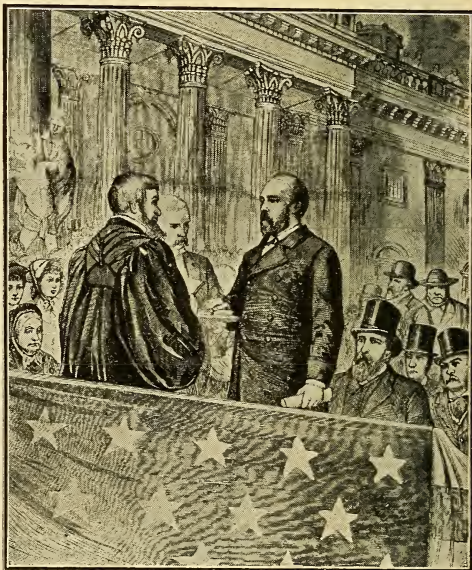
of the electors for the purpose of casting their vote for President, it is referred to Congress, and, if Congress fails to decide, the electoral vote of the State is not counted.

The members of the Constitutional Convention made a double election necessary in choosing the President in order to secure the greatest men for this high office and put them at the head of the government unfettered by promises and all outside influences. They desired to remove all selfish and personal interest as far from the election of the President as possible. The framers of the constitution were wise men, but they failed to forecast the organization and the influence of the political parties in the election of the President. The Electoral College has now become a machine used by political parties for registering votes and counting results. Mr. Boynton gives the following interesting information in his book on "School Civics:" "Some of the other consequences resulting from the employment of this method of election under the system of party government are more serious. The present system of choosing the electors by general ticket over the whole State makes the election virtually an election by States. The State 'goes Republican,' or it 'goes Democratic,' *i. e.*, it elects with rare exceptions, its full complement of electors from a single party, and casts the whole number of its electoral votes for the candidate of that party. Now it may happen that in one State the plurality of the winning party is very large and more than overcomes the small adverse pluralities in a dozen States, while the electoral vote of the dozen States is greater than that in the one State giving a larger plurality. For example, in the presidential election of 1900, Idaho, with three electoral votes, gave Mr. Bryan a plurality of 2,448 votes; Kentucky, with thirteen votes, gave him a plurality of 7,975; Nevada, with three electoral votes, gave him 2,516 or a total plurality in the three States named of 12,939; Michigan, with fourteen electoral votes, gave Mr. McKinley a plurality of 104,584. Thus Mr. McKinley, with 91,645 more votes than his opponent received, would have been defeated in the Electoral College by a vote of 19 to 14, if the decision had been left to the four States above named. Thus it will be seen that the Electoral College may be the means of defeating the clearly expressed wishes of the people. This actually happened in 1888 when Mr. Cleveland received a plurality over Mr. Harrison of 95,534. This verdict of the individual voters was reversed by the Electoral College, which gave Mr. Harrison 233 electoral votes as against 168 for Mr. Cleveland. Moreover, under the present plan the struggle is concentrated in a few doubtful States. To win or lose them means to win or lose the election, and this naturally increases the temptation to political corruption in those States."

Sec. 1, Clause 5.—No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Qualification of the President.—The president must be a natural-born citizen who is at least thirty-five years old and has been for fourteen years a resident within the United States. A natural-born citizen of this country is one who was born

within the allegiance of the United States government. Mr. Black, in his Constitutional Law, says: "By residence, in the Constitution, is to be understood not an absolute inhabitancy within the United States during the whole period, but such an inhabitancy as includes a permanent domicile in the United States. No one has supposed that temporary absence abroad on public business, and especially on an embassy to a foreign nation, would interrupt the residence of a citizen so as to disqualify him for office. If the word were to be construed with such strictness, then a mere journey through any foreign adjacent territory for health or for pleasure, or a commorancy there for a single day, would amount to a disqualification." One exception to this qualification was made in the Constitution. At the time of the framing of the Constitution many of the most patriotic and influential citizens of the nation were not natural-born. They had served their country nobly and were entitled to all the honors extended to any citizen. The



Chief Justice Waite Administering the Oath of Office to President Garfield in 1881.

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makers of the Constitution saw that if they made only natural-born citizens eligible, many of these great men would be disqualified for the high office. In order to meet this difficulty they included in the qualification every citizen of the United States "at the time of the adoption of the Constitution." Of course, all citizens who lived at the time of the making of the

Constitution are dead and this provision now has no special force.

Sec. 1, Clause 6.—In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation or inability both of the President and Vice-President declaring what officer, shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Presidential Vacancy.—In case of the death, removal, resignation, or inability of the President to discharge the duties of the office of the President of the United States, the Vice-President becomes President. In case of the death, removal, or inability of the Vice-President, the Constitution provides that Congress may by law provide for filling the vacant office.

The Succession Law.—Congress, acting under its constitutional authority in Clause 6, passed a new presidential succession law in January, 1886, which provides that in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State shall be President. If there be no Secretary of State, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury; and the next in order are the Secretary of War, Attorney General, Postmaster General, Secretary of Navy, Secretary of Interior, Secretary of Agriculture, Secretary of Commerce and Labor.

Sec. 1, Clause 7.—The President shall, at stated times receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Salary of President and Vice-President.—The salary of the President and Vice-President can not be increased or diminished during their term of office. The President has received fifty thousand dollars annually since 1873. He received twenty-five thousand dollars from Washington's administration

until that date. The President has also the free use of the Executive Mansion, which is carefully looked after by competent help. During his term of office, the President is not allowed to receive any emolument from the United States except his salary. He is allowed, however, to accept gifts from private individuals. The Vice-President receives eight thousand dollars annually.

Sec. 1, Clause 8.—Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.”

The Inauguration of the President and Vice-President.

—The inauguration of the President and Vice-President is in the hands of a committee whose duty it is to look after every detail connected with the inauguration. At noon on the 4th of March, the President-elect is accompanied by the President of the United States to a platform erected on the east side of the national capitol. The oath of office is administered on this platform by the Chief Justice of the United States in the presence of a multitude of people. “The Bible is used in the administration of the oath, and the President kisses the open page of the book.” The inauguration of the Vice-President takes place in the Senate chamber before the inauguration of the President. Both make inaugural addresses after the oath is administered to them.

Sec. 2 Clause 1.—The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Military Power of the President.—There would be a lack of unity in action if the entire military power of the nation was not in the hands of one person. The President of the

United States is, under the Constitution, Commander-in-Chief of the Army, the Navy, and the Militia of the several States when called into actual service of the United States. This power naturally belongs to the President, as it is his duty under our Constitution to execute the laws, repel invasions, and suppress insurrections, and it would not be right to require of him a national duty without giving him the national power to execute it. The President has the right to take the field in person and conduct military operations. However, this is not expected; neither is it best for the nation for him to do it.

Reprieves and Pardons.—The power to reprieve or pardon is given to the President in order to guard against any unjust infliction of the law. False testimony may enter into a trial and lead to an unjust conviction. The nature of the testimony may afterward be discovered and a reprieve or pardon granted by the President in order to secure justice to the accused. A reprieve suspends for a given time the execution of a sentence, and a pardon gives the accused a full release from the sentence. The President cannot exercise this power in case of impeachment or in any case except when conviction was by court.

The Heads of Executive Departments.—The language of the Constitution evidently implies the power of Congress to organize Executive Departments, but nowhere in the Constitution is it specifically mentioned as a power belonging to Congress. This section declares that the President “may require the opinion, in writing, of the principal officer in each of the executive departments upon any subjects relating to the duties of their respective offices.” The heads of the departments are also referred to in the following clause, and, with these exceptions, no mention is made of the Executive Departments in the Constitution. The Cabinet is composed of all of the executive officers. We shall consider the Executive Departments under this clause.

The President's Cabinet.—All the executive duties of the nation are transacted by the President and his Cabinet. The Chief Executive is held responsible for all executive action,

and it is right for him to enjoy close and confidential relation with the officers of his official family. All questions of importance and of a public nature are presented to him by the officers of the different departments before they are acted upon, and when questions of national importance are to be discussed, this is done in regular meetings where the entire Cabinet is present. The Chief Executive can act, if he desires, independent of any member of the Cabinet or of the entire Cabinet, as its action is merely advisory. All the heads of the executive departments are appointed by the President by and with the advice and consent of the Senate.

Congress has by law established the following nine departments:

- The Department of State.
- The Department of Treasury.
- The Department of War.
- The Department of Navy.
- The Department of Post Office.
- The Department of Interior.
- The Department of Justice.
- The Department of Agriculture.
- The Department of Commerce and Labor.

The official titles of the Cabinet members are as follows:

- The Secretary of State.
- The Secretary of Treasury.
- The Secretary of War.
- The Secretary of Navy.
- The Postmaster General.
- The Secretary of Interior.
- The Attorney General.
- The Secretary of Agriculture.
- The Secretary of Commerce.

"The heads of departments are agents of the President, through whom in matters of administration he speaks and acts."

Department of State.—The Secretary of State is the highest Cabinet officer, and is usually regarded as occupying a position next in importance to the President of the United States. The entire business of our government with foreign governments is transacted through this department. The secretary prepares State papers, issues proclamations in the name of the President, conducts the correspondence with foreign nations, has charge of the archives of the government, and is responsible for the safe-keeping of the original copies of every law, treaty, and official document. He is custodian of the great seal of the United States of America. The entire diplomatic corps is under his direction. He issues passports to citizens who desire to visit foreign governments. He presents the ministers of foreign governments to the President of the United States.

The Diplomatic Services.—All representatives of this government who are sent abroad are connected with the Department of State. These representatives are divided into four classes, viz.:

Ambassadors.

Envoys Extraordinary and Ministers Plenipotentiary.

Ministers Resident.

Charge d'Affaires.

Ambassadors are now sent to Great Britain, Germany, Italy, France, and Russia. They are ministers of the highest rank. Each of them receives seventeen thousand five hundred dollars annually, except the one to Italy, who receives twelve thousand dollars.

Envoys Extraordinary and Ministers Plenipotentiary are next in rank, and receive from five thousand to twelve thousand dollars annually. They are sent to about thirty governments.

Ministers Resident are inferior in rank to Envoys Extraordinary and Ministers Plenipotentiary. Their salaries range from four thousand dollars to seven thousand five hundred dollars annually.

Charge d'Affaires stand next to Ministers Resident in rank. They are sent to countries of inferior rank, and receive five

thousand dollars annually. This rank is rarely used now in our representations abroad.

Consuls.—Consuls are the government's financial agents. They have many duties to perform. They are located in different parts of the world. President Harrison, in writing about the duties of the consul, said:

“He is the protector and guardian of American commerce; provides for destitute American sailors and sends them home; takes charge of the effects of American citizens dying in his jurisdiction and having no legal representative; receives the declarations or protests of our citizens in any matter affecting their rights; keeps a record of the arrival and departure of American ships and of their cargoes, and looks after vessels wrecked.”

The Department of Treasury.—The Secretary of Treasury is at the head of this department. It was established by an Act of Congress in 1789. The plan of its organization was worked out and put in operation by Alexander Hamilton. Webster, in speaking of Hamilton's great work and his financial ability, said: “He smote the rock of national resources and abundant streams of revenue gushed forth. He touched the dead corpse of public credit, and it sprang upon its feet.” National strength and independence depend upon national revenue as well as other things. Governments, like individual enterprises, require financial foresight, thought, business management, and integrity to properly handle their financial affairs and establish a national confidence and credit. “The Treasury Department is the steam plant from which all other departments get their power.”

Duties of the Secretary.—It is the duty of the Secretary of Treasury to prepare plans for the management and collection of all revenue and for the maintaining of the public credit; to recommend methods of keeping public accounts and to authorize the issuing and payment of all warrants according to appropriations made by law. It is his duty to make regular reports of the financial condition of the government, and to make such recommendations to the President as he may deem

proper. It is his duty to keep the President informed concerning all questions of importance connected with the Treasury Department. As he is a member of the President's Cabinet and has under his supervision a part of the work connected with the national executive department, it is his duty to give his best thought and labors to make the Treasury Department reflect honor upon the nation and the administration of the President.

TREASURY DEPARTMENT—CONDENSED HELP.

In addition to a Secretary of the Treasury, a comptroller, auditor, treasurer, register, and an assistant secretary were provided for in the original act that organized the department. The same plan is still in use, except we now have three assistant secretaries and six auditors. Other officers and bureaus have been provided for since the first organization of the department. Some of them are,—a comptroller of currency, commissioner of internal revenue, the mint, bureau of engraving and printing, commissioner of revenue, marine hospital service, etc.

The comptroller is the head supervising officer of the accounts. He countersigns all warrants given for the disbursement of money.

The six auditors examine and pass upon every account of the government. They are distributed among different departments.

The treasurer of the United States has charge of the money of the government and pays it out as is required by law. He is not only responsible for the money deposited in his vaults at Washington, but for the entire amount at all authorized depositories.

The register signs all stocks and bonds of the United States. He signs the transfers of money from the treasury to any depository. "He secures, arranges, and registers United States notes, treasury notes, gold and silver certificates, interest coupons, and other securities redeemed or destroyed and also all condemned customs, internal revenue and postage stamps."

The assistant secretaries are assigned general supervision of the work of specified bureaus and divisions. One of them may be used to perform certain duties that fall on the Secretary of Treasury and to act as secretary in case of his absence.

The comptroller of the currency has the supervision of the national banking system. It is his duty to see that the laws that govern them are executed. He issues certificates authorizing the organization of a national bank. He has under his control bank examiners who examine the condition of national banks and report to him. Every national bank is required to make regular reports showing the condition of the business, and these reports are made to the comptroller. In case of failure of a bank, he may take charge by an agent or a receiver, and make proper settlement of its business.

A commissioner of internal revenue is at the head of the internal revenue bureau, and manages the collection of internal taxes.

The bureau of the mint is a part of the treasury department, and is presided over by the director of the mint. The director has under his supervision all the mint and assay offices. He has entire charge of the coinage of money. This department, like others, is under the direction of the Secretary of Treasury.

The bureau of engraving and printing belongs to the treasury department. This bureau makes all the plates, and prints paper money, including bank notes, United States bonds, postage stamps, etc. The greatest care, skill, and accuracy is exercised in this division of the treasury department.

The treasury department also has charge of the custom houses throughout the country, and when new ones are built supervises the same.

The solicitor of the treasury is an attorney whose duty it is to look after the legal business of the treasury department. He prosecutes persons who violate the revenue and other laws affecting the treasury department.

Department of War.—The War Department was organized August 7, 1789. The Secretary of War is at the head of this department. Congress provided for an assistant secretary in 1890. The law defining the secretary's duty reads: "The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct." The Secretary of War is a member of the Cabinet, and represents the President in the capacity of Commander-in-Chief of the army.

The War Department has various subdivisions and officers as follows:

Headquarters of the Army.

Office of the Adjutant General.

Office of the Inspector General.

Office of the Judge-Advocate General.

Office of the Quartermaster General.

Office of the Commissioner General of Subsistence.

Office of the Paymaster General.

Office of the Surgeon General.

Office of the Chief of Engineers.

The Ordnance Office.

The Signal Office.

The Record and Pension Office.

The nature of work done in each division can be determined by the title of each office. Space in this book will not permit a description of each.

The Military Academy.—The Military Academy, located at West Point, New York, is under the supervision of the War Department. It was established by the government in 1802. It is the purpose of this school to educate officers for the army. "The corps of cadets in the Military Academy is composed of one from each Congressional District, one from each territory, one from the District of Columbia, and ten from the United States at large, and all save these ten must be residents of the districts or territories from which they purport to be appointed." All are appointed by the President of the United States. However, following a custom, the President now appoints the one recommended by the Congressman and delegate from each district and territory. Each cadet must be not less than seventeen nor more than twenty-two years old. The entire expense of the academy is met by the government. Each cadet is allowed \$540 annually.

The Department of the Navy.—The Navy Department was established by an Act of Congress in April, 1789. The Secretary of the Navy is at the head of this department and is a member of the President's Cabinet. The law says: "The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment."

Bureaus.—The Naval Department has many bureaus with naval officers at their heads. Their officers are appointed by the President and confirmed by the Senate. The bureaus are as follows:

Bureau of Yards and Docks.

Bureau of Equipment and Recruiting.

Bureau of Construction and Repairs.

Bureau of Navigation.

Bureau of Supplies and Accounts.

Bureau of Steam Engineering.

Bureau of Medicine and Surgery.

The name of these bureaus explains, in the main, the nature of the work done by each of them.

The Naval Academy.—The Naval Academy at Annapolis is under the supervision of the Secretary of the Navy. The government pays for maintaining this school for the training of naval officers. It sustains the same relation to the navy that the Military Academy does to the army. The same number of cadets are allowed, and they are appointed in the same way as at West Point.

The Post-Office Department.—The Post-office Department was established in 1789, but the Postmaster General was not made a member of the Cabinet until 1829. The Postmaster General has the general superintendency of all matters connected with the carrying of mails and the establishment and management of post-offices. He has the power to appoint postmasters whose salaries are less than \$1,000. The President appoints those who receive \$1,000 or more. The Postmaster General is ably assisted in the management and execution of the heavy duties of this department by the first, second, third, and fourth assistant postmasters general and by many officers, superintendents, and clerks. Mailable matter is divided into four classes. The first class consists of letters and everything that is sealed.

The Department of Interior.—This department was established in March, 1849. The Secretary of the Interior is a member of the President's Cabinet, and the chief officer of the Interior Department. An assistant secretary and many subordinate officers and clerks work in this department, but all are under the general supervision of the secretary. The law says: The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

1. The public lands, including mines.
2. The Indians.
3. Pensions and bounty lands.
4. Patents for inventors.
5. The custody and distribution of publications.
6. Education.
7. Government Hospital for the Indians.
8. Columbia Asylum for the Deaf and Dumb.

There are various bureaus and departments connected with this department.

The Department of Justice.—The Attorney General is a member of the President's Cabinet, and is at the head of the Department of Justice. He is the chief law officer of the government, and, when needed, acts as legal adviser for all the departments. He renders written opinions concerning points of law when requested by the President. He is the attorney for the United States in all the cases it may have in the Supreme Court. He makes an annual report of the work of the department to Congress. It is his duty to examine the title of all lands the government proposes to buy for sites of public buildings, arsenals, dock-yards, and post-offices. The United States district attorneys and marshals are under his supervision.

The Attorney General is assisted by a solicitor and assistant solicitor of the Treasury. A solicitor of internal revenue, a solicitor for the State Department, together with other departments and many clerks, belong to the Department of Justice.

The Department of Agriculture.—This department was permanently organized and its head secretary made a Cabinet officer in 1889. There was prior to this time a "Department of Agriculture," which was one of the bureaus of the Department of the Interior. This department offers the people an opportunity to secure useful knowledge concerning agriculture and agricultural products. It has charge of the agricultural colleges that are supported by the proceeds of public lands which were granted by Congress in 1862. It distributes seeds of many varieties among the farmers and conducts experiment stations

and farms in every part of the country. It also has under its supervision the forestry interests, the Weather Bureau, and, in fact, a large number of divisions devoted to agricultural science. The Secretary of Agriculture is at the head of this department.

The Department of Commerce and Labor.—This department was established, as all other departments of the Cabinet, by an Act of Congress. The Secretary of Commerce and Labor is also a member of the President's Cabinet. President Roosevelt appointed George B. Cortelyou as its first secretary, February 16, 1903. The nomination of Mr. Cortelyou by the President for this position was confirmed the same day the nomination was made. The purpose of the department is set forth in the following extract from the United States Statutes:

"It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law."

The Bureaus and Divisions of the Department of Commerce and Labor.—Many of the bureaus and divisions of the government's work which were, prior to the establishment of the Department of Commerce and Labor, connected with other departments were by law transferred to the Department of Commerce and Labor. The following extract from the law that created the department sets forth the work for this department:

"The following named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-house Board, the Light-house Establishment, the Steamboat Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the National Bureau of Standards, the Coast and

Geodetic Survey, the Commissioner-General of Immigration, the Commissioners of Immigration Service at Large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the Department of Commerce and Labor, to remain henceforth under the jurisdiction of the latter; that the Department of Labor, the Fish Commission, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the Department of Commerce and Labor; that the Bureau of Foreign Commerce; now in the Department of State, be, and the same hereby is, transferred to the Department of Commerce and Labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred to the Department of Commerce and Labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of the bureau; and that the Secretary of Commerce and Labor is hereby given the power and authority to rearrange the statistical work of any of the statistical bureaus and offices transferred to said department; and said secretary shall also have authority to call upon other departments of the government for statistical data and results obtained by them; and said Secretary of Commerce and Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise."

In addition to the bureaus and divisions named above, the law also established a Bureau of Manufactures and a Bureau of Corporations.

Sec. 2, Clause 2.—He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the

United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Treaties.—A treaty is a solemn agreement between two nations. The President with the “advice and consent” of the Senate shall have the power to make treaties, provided two-thirds of the Senators present concur. Black’s Constitutional Law says: “This power embraces the making of treaties of every sort and condition; for peace or war; for commerce or territory; for alliance or success; for indemnity; for injuries or payment of debts; for the recognition and enforcement of principles of public law; for the regulation of immigration and the rights of aliens; for rules of navigation; for arbitrations; and, in short, for all the varied purposes which the policy or interests of independent sovereigns may dictate in their intercourse with each other.”

Terms of a Treaty.—The terms of a treaty are usually first negotiated by members or ambassadors appointed by the countries interested. After an agreement is reached, the President turns the matter over to the Senate, which considers it in an executive session with closed doors. When the treaty requires the appropriation of money, the House of Representatives is generally consulted. It is doubted by some whether a treaty requiring the appropriation of money could be enforced without the consent of the House. Chancellor Kent, in speaking of this point, says: “If a treaty be the law of the land, it is as much obligatory upon Congress as upon any other branch of government or upon the people at large, so long as it continues in force and unrepealed.” Congress has been consulted by the President in each of the great purchases of territory.

Nominations to Office.—Ambassadors, public ministers, consuls, federal judges, and other officers of the United States are nominated in writing by the President. The Senate has no right to make the nomination, but it can confirm or reject the nomination made by the President. If the nomination of the President is rejected, he has the right to make another.

The advantage of this method of appointment is set forth by Mr. Hamilton in the following words: "The blame of a bad nomination would fall upon the President singly and absolutely. The censure of rejecting a good one would be entirely at the door of the Senate; aggravated by the consideration of their having counteracted the good intentions of the Executive. If an ill appointment should be made, the Executive for nominating, and the Senate for approving would participate, though in different degrees, in the opprobrium and disgrace."

Other Officers.—We have seen that under the Constitution, ambassadors, public ministers, judges of the Supreme Court must be nominated by the President and confirmed by the Senate. Congress, however, is given the power to enact laws to regulate the appointment of "inferior officers." Various provisions and methods for the appointment of Federal officers not named in the Constitution have been made by Congress. If the filling of any Federal office, however small, should not be provided for by Congress, it would be the duty of the President and the Senate to make an appointment. Cabinet officers are not inferior officers, and are appointed by the President and Senate.

Removal from Office.—The President has the power to suspend an officer and make a temporary appointment while the Senate is not in session. When the Senate meets, he may make a new nomination, but if the Senate refuses to confirm the new nomination and ratifies its former confirmation, the suspended officer will continue in office. The President may repeat his act in suspending the officer, but he has no power to remove him without the consent of the Senate.

Sec. 2, Clause 3.—The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Vacancies may occur when the Senate is not in session, and the President under these circumstances has a right to issue commissions filling the vacancies until the end of the next session of the Senate.

Sec. 3, Clause 1.—He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

The President's Message.—It is customary for the President at the beginning of each session to send a message to Congress containing a condensed report of the executive departments and general "information of the state of the Union." It is also his duty in submitting his message to Congress to recommend such legislation as he deems advisable and expedient and of general interest to the nation. When a special session of Congress is called, he sets forth in his message addressed to this session reasons for assembling Congress and makes such recommendation as he may deem proper. He has no power to call an extra session except "on extraordinary occasions."

Adjournment of Congress.—In case the Senate and House of Representatives fail to fix a time for adjournment, the President may adjourn Congress to such a time as he deems proper.

Reception of Ministers.—Ambassadors and other public ministers present their credentials to the Secretary of State, who goes with them to the White House and presents them to the President. Reception of a foreign minister is a recognition of the country from which he comes as "belonging to the commonwealth of nations." A refusal to recognize a minister of an independent sovereign nation would be considered an insult and would lead to strained and dangerous international relations.

Execution of the Laws.—It matters not whether the President believes a law is just or unjust, it is his duty to enforce it. The execution of the laws is, no doubt, the highest and most important duty imposed upon the Chief Executive.

Sec. 4.—The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Civil Officers.—Members of Congress and military and naval officers are not regarded as civil officers, and therefore can not be impeached. The Constitution does not define civil officers, but makes it plain that they may be impeached for “high crimes and misdemeanors” and leaves it with the Senate to define “high crimes and misdemeanors.”

SUGGESTIVE QUESTIONS.

- Who is the chief executive of the United States?
What did President Harrison say relative to the home life of the President at the White House?
Was there a Chief Executive under the Articles of Confederation?
What position did the Constitutional Convention take relative to a single or plural executive?
What was the position of the Constitutional Convention relative to the President's term of office and eligibility to a second term?
How long does the President of the United States hold office?
Can he be re-elected? How many times may he be elected?
By whom are the President and Vice President elected?
How are the electors who vote directly for the President and the Vice-President chosen?
Explain fully the Electoral College, and give the consecutive steps in the election of a President.
How many electors were there in the last Electoral College?
How many electors in each State?
Give the composition and explain the work of the Presidential Electoral Commission which declared Rutherford B. Hayes President.
What change was made in the law after Hayes was declared President?
What is the qualification of the President?
Who becomes President in case of the death of the Chief Executive?
In what ways may a vacancy occur in the Executive chair?
Give the succession law.
What is the present salary of the President?
What was the salary prior to the year 1873?
Is the President charged for the use of the executive mansion?
What is the salary of the Vice President?
Give the oath that is taken by the Chief Executive.
Tell about the inauguration of the President and the Vice President.
Who administers the oath?
How is the oath administered?
Who is the Commander-in-Chief of the army and navy?

Has the President a right to take the field in person and conduct military operations?

Has this ever been done?

What is a reprieve? A pardon?

When can the President exercise the power to reprieve and pardon?

Give the constitutional language that is authority for the organization of the President's Cabinet.

Of what does the President's Cabinet consist?

How many executive departments have been established? Name them.

Name the heads of each department.

Give the relation existing between the heads of each department and the President.

How are the heads of each department chosen?

What is the object of the Department of State?

What are the duties of the Secretary of State?

Into how many classes is the diplomatic service divided?

Tell about each class.

What are the duties of consuls?

Why was the Department of Treasury organized?

What did Webster say relative to Hamilton's work in organizing this department?

Give the duties of the Secretary of Treasury.

Name a few of the leading bureaus and officers of the Treasury Department, and tell about their work and duties.

When was the Department of War organized?

Who is at the head of this department? What are his duties?

Name twelve subdivisions and officers of this department.

Where is the United States Military Academy located?

Why was it established? How are cadets selected?

Give the requirements of a cadet entering West Point?

What is the annual allowance to each cadet?

When was the Navy Department organized? What is the object of this department?

What are the duties of the Secretary of Navy?

Name a few of the bureaus in the Naval Department.

Where is the Naval Academy located?

What is the object of this academy?

How many cadets are allowed, and what are their requirements?

When was the Post-Office Department established?

When was it made a member of the President's Cabinet?

Who is at the head of the Post-Office Department?

What are the duties of the Postmaster General?

How and by whom are the different postmasters appointed?

Into how many classes is mailable matter divided?

When was the Department of Interior established?

Mention some of the work done by this department.

What are the duties of the Secretary of Interior?

Who is at the head of the Department of Justice?

What is the nature of the work done in this department?

What are the duties of the Attorney General?

When was the Department of Agriculture established?

What is the general nature of the work done by this department?

What are the duties of the Secretary?

When was the Department of Commerce and Labor established?

What was the object in organizing this department?

Name some of the work entrusted to the Department of Commerce and Labor.

Name a few of the leading bureaus in this department.

What is a treaty? Who has the power to make a treaty?

How are ambassadors, public ministers, consuls, judges, etc., chosen?

What did Mr. Hamilton say relative to the responsibility of the President in making the nominations?

What has Congress done in providing for the appointment of inferior officers?

What would be the result if the Senate should refuse to confirm a nomination made by the President?

Has the President a right to fill a vacancy that occurs when the Senate is not in session?

What is the object of the President's message?

What does it usually contain?

What is the custom of the Houses on receiving the President's message?

Has the President the power to call an extra session of Congress?

What does his message to the extra session contain?

When has the President the power to adjourn Congress?

What are the duties of the President in receiving ambassadors, public ministers, etc.?

How are ambassadors and public ministers presented to the President?

What would be the result if he should refuse to recognize them?

Whose duty is it to enforce the law?

Is it his duty to enforce a bad law?

How may the President and Vice-President be removed from office?

Who are civil officers and how may they be removed from office?

QUESTION FOR DEBATE.

Resolved, That the Constitution of the United States should be amended so that the President could be elected for a term of seven years by the popular vote, and made ineligible for the second term.

CHAPTER XVII.

THE JUDICIAL DEPARTMENT.

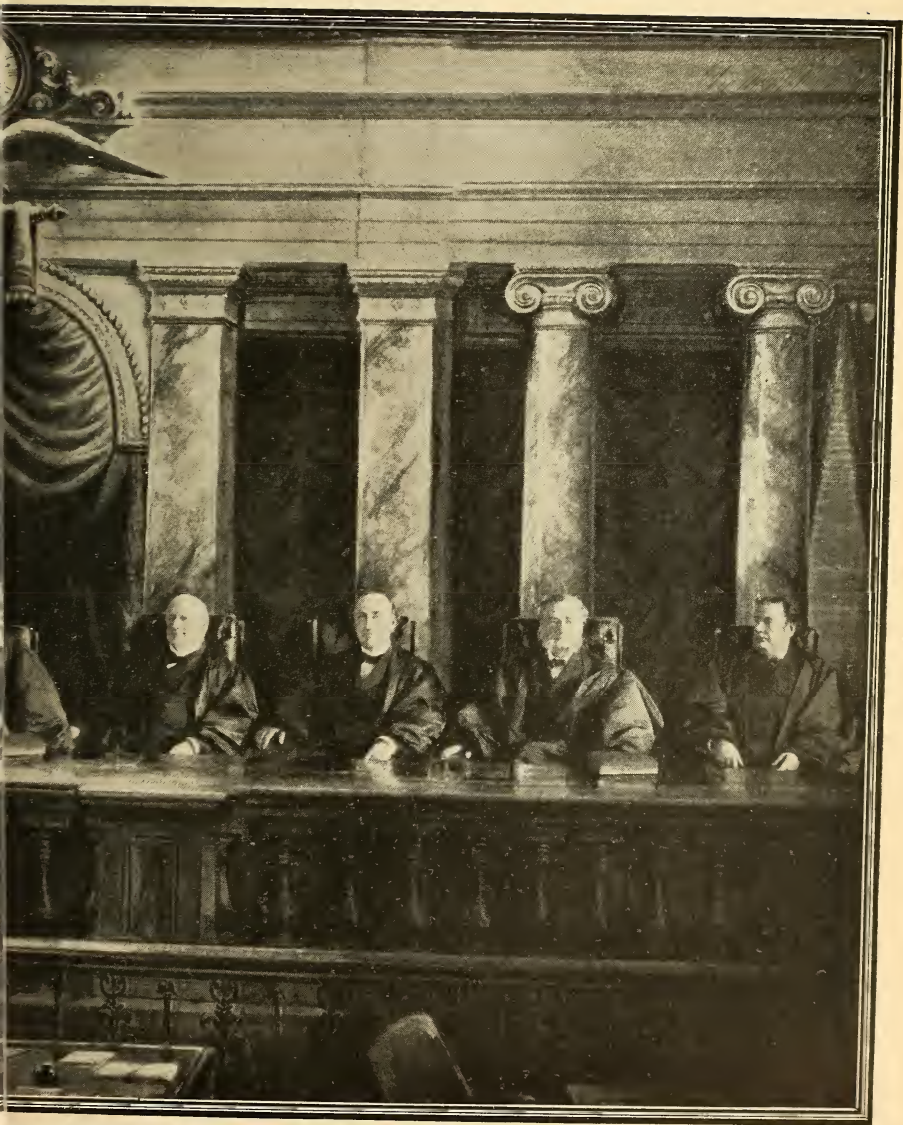
Art. 3, Sec. 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Nature of the Judiciary.—It is easy to belittle the dignity, importance, and independence of the national judiciary and offer various and dangerous methods of reconstructing it, because the Supreme Court or some other federal court happens to construe the law to mean something not in accord with our individual views. The very fact that men differ in construing the meaning of the law makes a national interpreting power of Federal jurisdiction an essential and natural part of the organic law of our land. The principle that made government a necessity and justifies the national Constitution, is the same principle upon which the national judicial system is built. Webster, in speaking of the national judiciary, said: "The Constitution without it would be no Constitution, the government no government." It is a known fact that the greatest men in American history have been strong and patriotic advocates of the national judiciary. General Washington wrote Mr. James Wilson as follows: "Considering the judicial system as the chief pillar upon which our government must rest, I have thought it my duty to nominate for the high offices in that department such men as I conceive would give dignity and luster to the national character." Jefferson said: "The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent of both, so that





THE SUPREME COURT



THE UNITED STATES.

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it may be a check upon both, as both should be checks upon that."

Necessity of a Judiciary.—It would be useless to make laws unless there were a judiciary to interpret and apply them. Without a national judiciary every State would make its own interpretation and application of the Federal laws, and this condition would necessarily lead to serious misunderstandings and great wrongs. Without this department of our government, we would not have an uniform interpretation, unbiased by a selfish reason to obey or ignore the law. Justice rests largely upon the integrity of the Federal judiciary.

Federal Courts.—The Constitution established the Supreme Court and gave Congress the power to create "inferior courts." We give below the principal Federal courts that have been organized by Congress:

The Supreme Court.

The Circuit Court of Appeals.

The Circuit Court.

The District Court.

The Court of Claims.

The Court of the District of Columbia.

The Territorial Courts.

The Supreme Court.—The Supreme Court was provided for in the Constitution, and is the highest judicial tribunal in the United States. It was organized by Congress September 24, 1789. It consists of one chief justice and eight associate justices. It holds an annual session beginning on the second Monday in October, and continues until about the first of May. Its daily sessions, as a rule, begin at twelve o'clock and last four or five hours. It takes six justices to decide a question. During the daily sessions of the Supreme Court, the judges occupy chairs located on a raised platform back of long desks. This platform is located in front of the main entrance to the Supreme Court Chamber. The judges wear during the daily sessions full gowns of black silk. Great dignity and power characterize the work of the court. The judges are men of ripe scholarship, great legal attainment, and sterling character.

The Circuit Court of Appeals.—Owing to the crowded docket of the Supreme Court, Congress in 1891 organized the Circuit Court of Appeals and made its decisions final. There are nine Circuit Courts of Appeals held in the nine circuits. The Supreme Court Justice assigned to the circuit and two Circuit Court judges hold this court. In case a Circuit Court judge can not be present, a District judge of the circuit may take his place. The court holds one term annually, and this term is usually held in the late spring or during the summer while the Supreme Court is not in session.

The Circuit Court.—The United States is divided into nine circuits corresponding to the nine judges of the Supreme Court. Each division has two or more circuit judges, and, in addition to this, each judge of the Supreme Court is assigned to a circuit. The Circuit Court may be held by the Supreme Court judge, Circuit judge, or the District judge of the district where the court is held, or by any two of them sitting together.

The District Court.—This court was organized September 24, 1789. The circuit was divided into Judicial Districts. There are at this time (1905) eighty-five districts. This number may be changed from time to time. The whole State is frequently included in a district, while in other cases a State may be divided into two or more districts. A court is held in each district. A district judge, attorney, and marshal for each division are nominated by the President and confirmed by the Senate. The marshal is the executive officer of the district and has similar duties to the sheriff of the county. The District Attorney prosecutes for the District Court, and his duties are similar to the county attorney.

The Court of Claims.—The Court of Claims was established in 1855. Prior to that time any citizen having a claim against the government had to petition Congress in order to secure the payment of it. The Court of Claims consists of one chief justice and four associate justices. It is the duty of this court to hear and investigate all claims against the government and make special recommendations to Congress. The

decisions of the Court of Claims are carried into effect by a bill introduced and passed by Congress. Congress usually does what the Court of Claims recommends. However, there is nothing compelling it to do so.

The Court of the District of Columbia.—This court consists of one chief justice and four associate justices. It tries civil and criminal cases of the District of Columbia.

The Territorial Courts.—The justices of the Territorial Courts hold office for a term of four years. This court is similar to the Supreme Courts of States. It has jurisdiction over cases arising out of the laws of Congress and the laws passed by the territorial Legislatures. Appeals may be taken from the Territorial Courts to the Supreme Court.

Hold Office During Good Behavior.—The judges of the Supreme, Circuit, and District Courts and judges of the Court of Claims and the Court of the District of Columbia all hold office during good behavior. No one of them can be removed except by conviction on impeachment. This system takes the judiciary out of politics and gives independence to the judges. If judges were elected to office they might court popular favor and be influenced in rendering their decisions by improper motives. The framers of the Constitution showed great wisdom in making the appointment of Federal judges to office during good behavior.

Change of Salary.—The salary of a Federal judge may be increased, but can not be diminished after he has been appointed to office. If Congress could diminish the salary, the judges would be dependent upon that body, and the central idea of making the judiciary independent would be destroyed. "The Federalist," in speaking of this question, said: "In the general course of human nature a power over the means of subsistence amounts to a power over the will."

Appointment of Federal Judges.—The judges of the Supreme, Circuit, and District Courts, as well as the judges of the Court of Claims, Court of the District of Columbia, and Territorial Courts, are nominated by the President and confirmed by the Senate.

Salaries.—The Chief Justice of the Supreme Court receives annually \$13,000. Associate Justices receive \$12,500; Circuit Judges, \$7,000; District Judges, \$6,000; Chief Justice of the Court of Claims, \$6,500; and the Associate Judges of the Court of Claims, \$6,000.

After a Federal judge reaches the age of seventy, he may, if he has served ten years, retire and continue to draw the same salary he received while in office.

Sec. 2, Clause 1.—The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects.

Cases.—The Constitution names in a specific way the nature of the cases that must be tried before the Federal Courts. This makes certain a uniform interpretation of the law governing each case. Under the Constitution, a case “is a subject on which the judicial power is capable of acting and which has been submitted to it in a manner required by law.” Courts can do nothing until cases are regularly brought before them, and when this is done, it is their duty to interpret and apply the law governing each case and decide the controverted question according to law. “The judges declare the law; they do not make it. The judicial power has no will in any case.”

Law and Equity.—Cases in law and equity include both civil and criminal proceedings arising under the Constitution, laws, or treaties of the United States. Mr. Hamilton says: “It is the peculiar province, for instance, of a court of equity to relieve against what are called hard bargains. These are contracts, in which, though there may have been no direct fraud or deceit sufficient to invalidate them in a court of law, yet there may have been some undue and unconscionable advantage taken of the necessities or misfortunes of one of the parties,

which a court of equity would not tolerate. In such cases, where foreigners were concerned on either side, it would be impossible for the Federal judicatories to do justice without an equitable, as well as a legal, jurisdiction. Agreements to convey lands claimed under the grants of different States may afford another example of the necessity of an equitable jurisdiction in the Federal Courts."

Cases Arising Under the Constitution, National Laws and Treaties.—Federal judicial power is extended to all cases arising out of the Constitution, the laws of the United States, and treaties made, or which shall be made. A citizen who is denied his constitutional rights and privileges guaranteed to him by the supreme law may seek redress through the Federal Courts. A citizen who violates Federal laws is tried before Federal Courts. Any case originating out of an infraction of the terms of a treaty must be tried by a national court.

Cases Affecting Ambassadors, Ministers and Consuls.—The United States government is under obligation to protect ambassadors, public ministers, and consuls. It is the duty of the United States to see that the public agents from foreign countries enjoy all the rights accorded them under the Law of Nations. This being the duty of the national government, it naturally and properly follows that all "cases affecting them ought to be cognizable only by national authority."

Cases of Admiralty and Maritime Jurisdiction.—"The judicial power extends to all cases of admiralty and maritime jurisdiction; because, as the seas are the joint property of nations, whose rights and privileges relative thereto are regulated by the laws of nations and treaties, such cases necessarily belong to national jurisdiction."

Cases of admiralty and maritime jurisdiction are usually those involving contracts relating to or to be performed on the high seas or navigable waters of the United States, and torts or wrongful injuries thereon.

Controversies with the United States.—No State court has the power to measure out the justice due all of the people

of the United States. This is a natural right that belongs to the Federal Courts. When the government is a party to a controversy, the people are a party, and a court that represents the people has jurisdiction. No sovereignty would permit itself to be dragged before the courts of another sovereignty. This principle was involved in the Tenth Amendment.

Controversies Between Two or More States.—No State has rights higher than that extended to it under the Federal Constitution. This renders each State equal in the enjoyment of the highest sovereign privileges. If a case arises between States, its natural jurisdiction is in a Federal Court. Chief Justice Jay says: "The judicial power extends to controversies between two or more States; because domestic tranquility requires that the contentions of States should be peacefully terminated by a common judicatory, and because in a free country justice ought not to depend on the will of either of the litigants."

The Eleventh Amendment.—That part of the Constitution which says the judicial power shall extend to all cases arising between a State and the citizens of another State and between a State or the citizens thereof and foreign States, citizens, or subjects has been altered by the Eleventh Amendment of the Constitution of the United States. The Eleventh Amendment is as follows:

Eleventh Amendment.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State.

Before the amendment went into effect suits could be brought against a State by citizens of another State or by citizens of a foreign State. It seemed contrary to the sovereignty of a State for a private citizen to have the power to present a case in a Federal Court against a State, and, as a result, there was great dissatisfaction which finally led to the Eleventh Amendment. A State may be sued by another State, but not by a citizen of a State, foreign State, or by one of its

citizens. Congress may authorize a citizen to sue the government, or a State Legislature may authorize a citizen to sue the State, but under no other conditions would a citizen have such a right.

Sec. 2, Clause 2.—In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Jurisdiction.—Jurisdiction is the right of a court to hear a case and interpret and apply the law governing it. The court that first tries the case has original jurisdiction. A court has appellate jurisdiction when the case that properly reaches it has been tried in some inferior court. A court has exclusive jurisdiction when a case to be decided by it can not be tried in some other court.

Jurisdiction of the Supreme Court.—The Supreme Court has original jurisdiction in all cases affecting ambassadors, public ministers, and consuls, and in all cases where a State is a party. In all other cases the Supreme Court has appellate jurisdiction. Congress has control of its appellate jurisdiction, as the Constitution does not fix it. The greater part of the work of the Supreme Court is to review the decisions of the inferior courts.

The Circuit Court of Appeals.—All the cases that reach this court have been appealed from some inferior court. This court has only appellate jurisdiction. In almost every case, its decisions are final.

The Circuit Courts.—These courts have civil and criminal jurisdiction. They have original jurisdiction in all cases arising under the revenue, copyright, and patent laws. Crimes and offenses committed against the United States laws which are punishable by death or heavy penalty are tried in these courts. Congress has assigned much important work for these courts. We have mentioned only a small part of the scope of their jurisdiction.

District Courts.—The district courts have jurisdiction over the lesser crimes and violations of Federal laws. A person guilty of counterfeiting money, violating certain postal and revenue laws would be tried in these courts. They have also jurisdiction of bankruptcy proceedings.

Sec. 2, Clause 3.—The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Trial by Jury.—"I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its Constitution."—Jefferson.

The trial of all crimes shall be by jury, except in cases of impeachment, and, in this event, the members of the Senate take a special oath and sit as a jury to hear the Articles of Impeachment. The Constitution provides that the trial be held in the State where the crime is committed. In case the crime is not committed in any of the States, Congress has power to name a suitable place.

Three of the Amendments.—We shall in this connection consider three of the amendments to the Constitution which relate to the judicial system. These and other like amendments have been called our "Bill of Rights." They relate to proceedings only in the Federal Courts.

Fifth Amendment.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Grand Jury.—The grand jury is selected by the court, and is composed of not less than twelve responsible

citizens. It is the duty of this jury to make a faithful inquiry into all wrongs and violations of the law. The jury has a right to call witnesses before it and make a thorough investigation. If, after the investigation, it has reason to believe that the person accused is guilty, it would be its duty to return an indictment marked "True Bill." If it believes the person is not guilty, it would indicate the same by writing "Not a True Bill." If an indictment is not found, the accused would be released. It must not be understood that the authority of the grand jury is limited to cases brought before it by the prosecuting officer, or to cases where an arrest has already been made, for it is the duty of the grand jury to make complete and independent investigations of all violations of the law, and if it finds offenses that justify action, it "may make what is called a presentment, which may thereupon be followed by an indictment, and this by a trial." The court usually gives the grand jury instructions concerning its duty, and may call its attention to special and notorious offenses. The proceedings of a grand jury are secret. In fact, the oath the juror takes binds him to secrecy. With a few constitutional exceptions, no person can be tried unless he has been indicted by a grand jury.

The Petit Jury.—"The terms 'jury' and 'trial by jury' are, and for ages have been, well known in the language of the law. They were used at the adoption of the Constitution, and always, it is believed, before that time, and almost always since, in a single sense. A jury for the trial of a cause was a body of men, described as upright, well-qualified, and lawful men, disinterested and impartial, not of kin nor personal dependents of either of the parties, having their homes within the jurisdictional limits of the court, drawn and selected by officers free from all bias in favor of or against either party, duly impanelled under the direction of a competent court, sworn to render a true verdict according to the law and evidence given them, who, after hearing the evidence and receiving the instructions of the court relative to the law involved in the trial, return their unanimous verdict upon the issue submitted

Second Trial.—No person can be tried the second time for the same offense unless the accused request a new trial on account of an error of law committed during the trial. The request would be in his own interest, and granting a new trial would not be contrary to constitutional authority. -If the jury fails to agree, the trial continues until a verdict is reached.

Other Rights of Citizens.—No person shall be compelled in any criminal case to be a witness against himself, nor can his life, liberty, or property be taken away from him without due process of law. The government can not take private property for public use without giving just compensation to the private owner of the property. Due process of law means a regular and orderly proceeding before a court of competent jurisdiction, where the defendant is summoned and given the right to be heard.

Sixth Amendment.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Rights of a Citizen on Trial.—This amendment to the Constitution gives the citizen accused of a crime “a right to a speedy and public trial by a jury selected from the State or district where the crime was committed.” “To send a man charged with a crime or offense to another country or region, where his offense might be judged from a standpoint different from that of his ‘vicinage,’ and without knowledge of local habits and customs, or with, as might happen, a special dislike of these, would be, as you can readily see, an injustice.” The accused is entitled to be tried by an impartial jury selected under the law. Either party to a suit may “challenge,” or object to, certain persons acting as jurors on the ground of incompetency, and because they are prejudiced and unable to render an impartial decision. In addition to the above, a certain number of proposed jurors can be objected to without

giving any reasons. The accused has a right to have the assistance of counsel, to be confronted with the witnesses against him, and to have compulsory processes for obtaining witnesses in his favor. Prior to the accession of William and Mary in 1688, a person on trial for a capital crime was not allowed either witnesses or counsel.

Subjects.—The Sixth and Seventh Amendments referred to the administration of government in time of peace. “The Constitution contemplates the possibility of a state of public danger arising from the presence of a foreign or domestic foe. It contemplates the necessary suspension for the time being and in particular localities of all civil functions of the government that the martial powers of the same may be effectually exercised for the security and welfare of the nation.”—Tiffany.

Seventh Amendment.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

Trial by Jury.—This amendment is the result of the desire of the people to guard their property rights through the decisions of an impartial jury. Federal suits representing a value in controversy exceeding twenty dollars must be tried by a jury. In case of a new trial “the right of trial by jury shall be preserved” and future re-examination and decisions shall be made by a jury. “This amendment, although it provides in general terms that the right of trial by jury shall be preserved, was intended to apply and does apply only to the proceedings in the courts of the United States, and it does not affect proceedings in the State courts nor the power of the States to regulate the form and methods of trials in their own tribunals.”

Sec. 3, Clause 1.—Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason.—Treason is a crime committed for the purpose of overthrowing the government. It is the highest crime that a citizen can commit against civil society. Only persons owing allegiance to the government can be a traitor to the government. Treason is the worst of all crimes and deserves the severest punishment. It was defined in our Constitution because our forefathers knew from English history how many crimes had been committed in the name of implied or constructive treason.

Abuses of Authority.—Tyrannical kings have frequently taken advantage of strong public opinion against treason in order to foster their own selfish interests and desires by taking the lives of men under pretense of treason. History relates many circumstances where a life was taken for treason when only harmless words were spoken by the accused. This clause of the Constitution guards against any abuse of this kind by declaring what is considered treason.

Definition of Treason.—The Constitution defines treason as consisting in “levying war against the United States and adhering to their enemies, giving them aid and comfort.” Mr. Marshall, in speaking of levying war, said: “If a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors. But there must be an actual assembling of men for the treasonable purpose to constitute a levying of war.” Giving aid and comfort consists in aiding the traitors in their efforts to overthrow the government by furnishing them provisions, horses, cannon, ammunition, or in giving any aid that would assist them in accomplishing their purpose. “It is treason for any person to give aid and comfort to public enemies. To sell vessels to them, which it is their purpose to use as ships of war, is to give them aid and comfort. To receive money from them in payment for vessels which they have seized for those purposes, would be to attempt to convert the

unlawful seizure into a sale, and would subject the party so offending to the pains and penalties of treason, and the government would not hesitate to bring the offender to punishment.” —Seward. No man can be convicted of treason on the testimony of one witness. Neither can a man be convicted on any confessions he made out of open court. Concerning a conviction, Justice Story said: “It has been well remarked that confessions are the weakest and most suspicious of all testimony ever allowable to be obtained by artifice, false hopes, promise of favor, or menaces; seldom remembered accurately, or reported with due precision; and incapable in their nature of being disproved by other negative evidence. To which it may be added, that it is easy to be forged, and the most difficult to guard against.”

Sec. 3, Clause 2.—The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

The Punishment.—Congress has power to declare the punishment for treason. The present punishment is death, or, if the court desires, it may order the accused to hard labor in prison for five years and a fine of not less than ten thousand dollars.

Attainder of Treason.—According to the common law, corruption of blood and forfeiture of property followed conviction of treason. This clause of the Constitution prevents injustice of this kind. Mr. Story gives much light on this question in the following words: “By corruption of blood all inheritable qualities are destroyed; so that an attainted person can neither inherit lands nor other hereditaments from his ancestors, nor retain those he is already in possession of, nor transmit them to any other heir. And this destruction of all inheritable qualities is so complete that it obstructs all descents to his posterity, whenever they are obliged to derive a title through him to any estate of a remoter ancestor. So that if a father commits treason, and is attainted and suffers death, and then the grandfather dies, his grandson can not inherit

any estate from his grandfather; for he must claim through his father, who would convey to him no inheritable blood. . . . In addition to this most grievous disability, the person attainted forfeits, by the common law, all his lands, and tenements, and rights of entry, and rights of profits in the lands or tenements, which he possesses. And this forfeiture relates back to the time of the treason committed, so as to avoid all intermediate sales and incumbrances; and he also forfeits all his goods and chattels from the time of his conviction."

Art. 4, Sec. 1.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Full Faith and Credit.—"Full faith and credit" means that the same credit which a State itself gives its public acts, records, and judicial proceedings must be given by other States when properly proven. The public acts are the laws made by the State Legislature. The records are all the records authorized by law, including real estate records and legislative journals. Judicial proceedings are the judgments, orders, and proceedings of the courts. For example, if a person is sued in Kentucky and a judgment obtained against him and he goes into another State, it may be enforced in the State where he is. This can be done by simply proving that a judgment was rendered against him. Congress has by law prescribed the methods of proving the records, acts, and proceedings of another State.

Sec. 2, Clause 1.—The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Rights of Citizens.—If a citizen living in one State moves into another, he is entitled to all the privileges enjoyed by the citizens of that State. He is, of course, subject to the law and local regulations of the new State, and he has no right to use the law of his former State as a rule for his conduct. The Constitution guarantees every citizen in this Union the

enjoyment of these rights. The privileges and immunities referred to are those fundamental in their character, such as the right to life, liberty, labor, and equality before the law. The right to vote is not embraced by this phrase.

Sec. 2, Clause 2.—A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from Justice.—The sovereignty of a State ceases beyond its boundary. The officer of one State has no right to go into another State and arrest a criminal for a crime committed in his State. Neither has the State to which the criminal flees the power to try him for a crime committed in another State. When a person charged with a crime in one State flees into another, the executive of the State thereof “shall on demand from the executive authority of the State from which he fled” deliver him to the State having jurisdiction of the crime. States have power to try crimes committed against their own laws only. Without the constitutional protection offered in this clause, each State would be an asylum for criminals, and society would be subjected to great wrongs and many injustices. “The giving up by one nation of a fugitive from justice escaping from another nation is called extradition.”

Steps in Returning a Fugitive to Justice.—1. The governor of the State where the crime is committed makes requisition on the governor of the State to which the criminal flees, based on affidavit or indictment, distinctly charging the crime committed.

2. If the fugitive is arrested before the requisition is made, it is the duty of the governor to order the fugitive turned over to the agents of the governor of the State having jurisdiction. If the fugitive has not been arrested at the time the requisition is made, it becomes the duty of the chief executive of the State where the fugitive flees to order his arrest and delivery to the agents of the State making this requisition.

3. The fugitive is taken back to the State having jurisdiction of his crime and is tried.

4. The person so arrested may at any time apply for a writ of habeas corpus to try whether he is lawfully held.

Sec. 2, Clause 3.—No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

This clause was made a part of the Constitution in the interest of slave holders. Since the abolition of slavery this clause is of little further use and benefit.

Sec. 3, Clause 1.—New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

How a Territory Becomes a State.—When a territory desires to become a State, it petitions Congress through its delegate to pass what is called an Enabling Act. The petition or memorial gives full information concerning the number, occupation, education, and character of the people of the territory that seeks admission into the Union. The Enabling Act, if passed, authorizes the people of the territory to call a convention and frame a constitution. After the constitution is framed by the people of the territory, Congress examines same, and, if it is in harmony with the spirit and meaning of the Constitution of the United States, Congress passes a law admitting it into the Union as a State. It is not absolutely necessary for an Enabling Act to be passed in order to admit a territory into the Union. The people of a territory may frame their Constitution, elect officers to administer it, and then present to Congress their proposed State Constitution, together with full information concerning the territory and their express wishes. Whereupon, Congress may examine the proposed Con-

stitution and pass a law making the territory a State without passing the Enabling Act.

Sec. 3, Clause 2.—The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

The Territorial Government.—Under this clause of the Constitution, Congress has established the territorial governments. The territorial government usually consists of a Legislature elected by the people of the territory, and a governor and judges nominated by the President and confirmed by the Senate. Territorial authority depends upon national sovereignty. The people of a territory have a right to elect a delegate to the national House of Representatives. This delegate has a right to discuss territorial questions, but no right to vote.

Sec. 4.—The United States shall guarantee to every State in this Union a republican form of government; and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

Republican Government.—Under the Constitution each State in the Union must have a republican form of government. The Supreme Court has decided that Congress shall determine what government is the established one in each State. It is the duty of the Federal Government to see that each State has a republican government. Mr. Madison says: "We may define a republic to be a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior." "The principle of republicanism is the equal right of the people, the citizens, all the members of the body politic. In theory it is the government of public opinion. . . . The fundamental principles of right and justice for the government, the representative

character of the governors, and their practical responsibility to the governed, are the essentials of republicanism."

Protection.—The national government secures to each State of the Union protection against invasion, and, when the proper application is made by the State authorities, it offers protection against domestic violence.

SUGGESTIVE QUESTIONS.

Why is it necessary to have a federal judiciary?
What did Webster, Washington, and Jefferson say about it?
What has been the view of the majority of the great men concerning it?
What should be the attitude of American citizens toward it?
What would be the result if we did not have a federal judiciary?
Give the constitutional words that authorize its organization.
Which one of the federal courts was established by the Constitution?
Name the federal courts that have been organized by Congress?
Which is the highest court in the land?
When was it organized?
How many justices preside in this court?
Who is the chief justice? When does this court meet in regular session?
How long does it last?
How many justices does it take to decide a question?
Where is this court held?
Tell something about the arrangement of the Supreme Court chamber.
What kind of dress is worn by the judges?
What is the nature of the personality of the members of the Supreme Court?
Why was the Circuit Court of Appeals organized? When was it organized?
How many Circuit Courts of Appeals?
Who holds these courts?
How often are they held?
What is the jurisdiction of the Circuit Court of Appeals?
How many Circuit Courts? How many judges in each circuit?
What is the relation existing between the judges of the Circuit Court and the justices of the Supreme Court?
By whom is this court held?
How many District Courts? When was this court organized?
Can parts of two States be included in one district?
Who are the federal officers that work in this court?
Give the duties of each.
Give some idea of the jurisdiction of this court?
What is the Court of Claims?
When was it established? Why? Give the nature of its work.
How many justices preside?
How are the decisions of the Court of Claims carried into effect?
Tell about the court of the District of Columbia. Why was it organized?
How many justices preside?
What is the nature of the Territorial Courts?

By whom was this court organized? For what purpose?
What is its jurisdiction?
Show the similarity existing between a federal Territorial Court and a State Supreme Court.
How long do the judges of the different federal courts hold office and what is the salary of each?
How may they be removed from office? How are they appointed to office?
May the salary of a federal judge be diminished? Can it be increased?
Why this difference?
Define a case.
What is meant by bringing a case regularly before the court.
What does the court do when the case is brought before it?
What is included in cases of law and equity?
What did Mr. Hamilton say relative to a Court of Equity?
To what cases is the federal judicial power extended?
How may a citizen who feels that he is unjustly affected by a federal law seek redress?
In what court is a citizen tried who violates a federal law?
Where are all cases that affect ambassadors, ministers, etc., tried?
Who tries cases originating from offences committed on the high seas?
Could a case where the United States was a party be tried in a State Court?
By whom are controversies between different States settled?
What did Chief Justice Jay say about this?
Who has jurisdiction in cases arising out of controversies between the State and people of another State?
What is the force and meaning of the eleventh amendment to the Constitution?
What is the meaning of jurisdiction?
What is the meaning of original, appellate, and exclusive jurisdiction?
Give a general idea of the jurisdiction of the different federal courts.
What is meant by trial by jury?
What does the Constitution say relative to trial by jury?
What did Jefferson say about trial by jury?
Why was the fifth amendment to the Constitution made?
What is the grand jury? How selected?
Give in full the work of this jury.
What kind of oath do members of the grand jury take?
Tell all about the petit jury. How are its members selected?
What are their duties? What is the nature of the oath they take?
When may a person be tried twice for the same offense?
When is a case completed?
May a person be forced to testify against himself?
How may the government take private property for public use?
Why is a person accused of a crime entitled to a speedy trial?
Where is he tried? Why?
What rights has he in selecting a jury?
Give the meaning of the seventh amendment.
Define treason.
How may a person be convicted of treason?
What did Mr. Marshall say about levying war?
Who has the power to declare the punishment for treason?
What is the present punishment?
What did Mr. Story say concerning attainder of treason and corruption of blood?

What is meant by giving full faith and credit to the public acts, records, etc., of another State?

What are the public acts, records, judicial proceedings of a State?

What rights do citizens of one State enjoy while in another State?

Has an officer of one State a right to arrest a criminal in another State?

Has the State to which he fled a right to try him?

What is the process of one nation giving a fugitive from justice over to another called?

Give the steps that must be taken in returning a fugitive to justice?

Tell in full how a territory becomes a State.

Give the constitutional authority for the establishment of a territorial government.

Give some idea of the government of our present territories.

Is each state in the United States compelled to have a republican form of government? Why?

Who has the power to determine what government is the established one in the State?

What did Mr. Madison say relative to a republican government?

When may the national government protect a State against invasion?

QUESTION FOR DEBATE.

Resolved, That the jury system should be abolished.

CHAPTER XVIII.

THE RIGHT TO AMEND THE CONSTITUTION AND THE AMENDMENTS.

Art. 5.—The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Necessity of Power of Amendment.—The authors of the Constitution were wise men who believed that it was not in the power of man to write a supreme law for the government of a nation so perfect as to provide for the future wants, necessities, and requirements of a young and growing nation. They labored faithfully to make a perfect organic law that would secure the highest enjoyment of natural rights to each citizen, but they did not know how well they had succeeded and did not want to deprive the people of an opportunity to make amendments when the interest of our Union might demand it. “However, they did not think that the Constitution should be made a subject of daily changes on account of easy methods of amending it, but they believed that if an imperative reason should arise for making an amendment, the people should, by complying with certain requirements, have such power.”

At the close of the Constitutional Convention, Franklin said:

“Sir, I agree to this Constitution with all its faults, if they are such; because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people if well administered; and believe further,

that this is likely to be well administered for a term of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain may be able to make a better Constitution. . . . Thus, I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best."

Article 5 gives the people ample power to amend the Constitution.

Proposals of Amendments.—There are two ways by which an amendment may be proposed. Congress may propose an amendment by a two-thirds vote of each House, or two-thirds of the Legislatures of the several States may apply to Congress to call a convention to propose an amendment. There are two methods for ratifying the proposed amendment. It may be ratified by three-fourths of the Legislatures of the several States, or by conventions in three-fourths of the States.

Methods of Ratifying.—When an amendment is proposed, it is submitted by the Federal Congress to the different States for ratification. Whether the ratification shall be by the State Legislatures or by conventions is determined by Congress before submitting the proposed amendments with instruction to the States. After ratification is made by three-fourths of the Legislatures or conventions of the States, the amendment becomes a part of the Constitution. No amendment has ever been ratified by State conventions; all have been ratified by State Legislatures.

Prohibition.—The Constitution prohibits the amending of the provision relating to State equality in the Senate. It also prohibits the amending of the provision which is not now in effect that relates to a capitation tax on the importation of slaves prior to the year 1808.

Withdrawal of Ratification.—A State can not withdraw its ratification of a proposed amendment after it has properly ratified same.

The Amendments.—The Constitution has received fifteen amendments. The first ten amendments were proposed by Congress in 1789, and were ratified in 1791. Congress proposed the Eleventh Amendment in 1794, and it was ratified in 1798. The Twelfth Amendment, which really originated as a result of the disputed election in 1801, was proposed in 1803, and ratified in 1804. The Thirteenth Amendment was proposed and ratified in 1865. The Fourteenth Amendment was proposed in 1868 and ratified the same year. The Fifteenth Amendment was proposed by Congress in 1869 and ratified in 1870. All the amendments have been proposed by Congress and ratified by the State Legislatures. Nineteen amendments have been proposed, but four failed to be ratified. Each amendment is thoroughly considered in this book.

Article 6, Clause 1.—All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Debts of the Confederation.—The nation was born before the Constitution was written. A government had been organized, and it sought to form a more perfect union and government through the operation of the Continental Congress and the government organized under the Articles of Confederation. This clause makes the nation under the new Constitution assume all the debts and engagements entered into by the Confederation. Our forefathers thus set the seal of disapproval upon the repudiation of debts.

Art. 6, Clause 2.—This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Supreme Law of the Land.—The plan of a republic gives the people the power to make the supreme law, which becomes the authority for the enactment of any Federal laws and for the making of treaties with foreign nations.

Each State was given equal rights in the making of the organic law of the land, and it is right for each State to fully recognize the sovereign demands and requirements of the supreme law, which the State assisted in making for the government of all the States. This clause declares that the Constitution and the laws and treaties arising in the Constitution shall be the supreme law of the land, and that the judges of each State shall be bound thereby regardless of the State Constitution and laws. This clause establishes the sovereignty of the nation over the State, and makes it the duty of the judges of a State to declare null and void any State law in conflict with the law of the land. "No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any great exigencies of government. Such doctrine leads directly to anarchy or despotism."

Art. 6, Clause 3.—The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Oath of Office.—National Senators and Representatives, legislators, and the State executive officers of the State and nation, and other agents of the government, are required by the Constitution to be bound by oath or affirmation to support the Constitution. No religious test can be made a part of the qualification of an officer taking an oath of office.

Art. 7.—The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Before the new Constitution could go into effect it was necessary for it to be ratified by nine States. The order in which the States ratified the Constitution, together with other information concerning this article, is given in "Thirty-two

of the Causes and Steps Leading to the Constitution of the United States," which is published in this book.

Amendments.—First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Freedom of Conscience.—Religion is a sacredly personal thing between man and his God. Recognizing freedom of conscience is itself a religious act—the highest authority a nation has for calling itself a Christian nation. Richard S. Storrs says: "The arrangement of God which makes man's conscience his guide to action, is beneficent every way. The results will be seen in the end in a purer piety; in a nobler self-devotion; in a grander and more powerful grasp of the principles of duty; in a more exalted communion with God in his holiness; in a higher disregard of the blandishments of time; in a mightier unfolding of all spiritual force; in a deeper impression of the history of the world."

Religious Liberty.—A citizen in this country has the right of absolute free choice in matters of conscience. Religious liberty is a fundamental right planted in the human breast. It gives each individual the privilege of defining his own religious views, to think for himself, and to join any church which he may select. Each man is left to work out his own ideas concerning God and eternity. The intolerant fanatic, who has no respect for the religious views of those who do not believe as he does, is neither a patriot nor a Christian. Thomas M. Cooley says: "The American people came to the work of framing their fundamental laws, after centuries of religious oppression and persecution, sometimes by one party or sect and sometimes by another, had taught them the utter futility of all attempts to propagate religious opinions by the rewards, penalties, or terrors of human laws."

Religious liberty does not entitle a man, under its cover, to engage in practices, such as polygamy, that are violations of the law.

Freedom of Speech and the Press.—In our country the citizen has a right to speak and publish what he chooses, provided his utterances are not injurious to public morals and do not deprive others of the exercise of their natural rights. A full discussion of public questions, or matters that concern the people and the republic, is necessary in a free government. But a man is held liable for the abuse of this privilege, as in cases of slander and libel. Slander and libel are the speaking and writing of another, falsely and maliciously, such things as injure him or bring him into disgrace.

Freedom of Thought.—Every man certainly has a right to exercise his mind and make it produce original ideas, opinions, and thoughts. Our national individuality and power rest upon the highest enjoyment of this inalienable right. Every citizen possesses an instrument of thought, and the organism of a republic contemplates and makes it necessary for him to use his mind to its utmost capacity.

The Right of Assembly.—The opportunity which a republic offers the people to assemble and discuss at length questions of public importance, has done a great deal in enlightening the people on public issues and questions and in creating a higher moral sentiment, deeper reverence for the law, and larger love for humanity. When this privilege is properly used, it becomes a great force for good.

The Right of Petition.—The right of petition gives the people an opportunity to be heard on all questions concerning the public welfare. Good laws have been made, bad ones repealed, and wrongs have been righted as the result of the right of petition. Legislation, and other business connected with the different departments of a republic, is largely controlled by public opinion, and the right of petition gives the people an opportunity in a constitutional way of presenting to the agents of the government their desires and wishes.

Second Amendment.—A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

The Militia.—The militia referred to in this amendment is the citizen-soldiery of the country. The people of each State have a right under certain regulations to bear arms and maintain a regular militia. This amendment makes a large standing army unnecessary.

Third Amendment.—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Protection of Home.—This amendment is another guarantee of individual rights. Tyrannical rulers will frequently quarter soldiers in the homes of their subjects without their consent. The theory of a good government makes a man's home his castle, and guards him in the exercise and enjoyment of these sacred privileges. There is no necessity for quartering soldiers in private homes in time of peace.

Fourth Amendment.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This is another guarantee of personal rights. Every man's home is free from searches and seizures unless authorized by a warrant issued by the proper authority. No warrant shall be issued without sufficient cause and on evidence supported by oath. It is necessary for the warrant to specify the place to be searched and describe the persons or things to be seized.

Fifth Amendment.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Sixth Amendment.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Seventh Amendment.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

These three amendments are fully treated on pages 246-247-248-249.

Eighth Amendment.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The size of the bail, fines, and the punishment inflicted must be in harmony with the nature of the crime committed. Any violation of this principle would be contrary to the Constitution and unjust to the accused. Under the law all persons accused are regarded as innocent until their guilt is established.

Ninth Amendment.—The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Most of the rights recognized by our government as belonging to the people are not specifically enumerated in the Constitution. The best writers on constitutional law hold that we would have enjoyed the same rights that we do now, even if the Ninth Amendment had not been made. This amendment was made a part of the Constitution, however, in order to guarantee to every citizen all the implied rights given to them by the national Constitution.

Tenth Amendment.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

State Rights.—The power given by the Constitution to the Federal Government cannot be exercised by State govern-

ments. Neither can any power prohibited by the Constitution to the States be exercised by State authority. If, however, there is any power that the Constitution does not give to the United States and does not deny to the States, this power is reserved to the States.

Eleventh Amendment.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

This amendment is fully treated under "The Judiciary."
See pages 244-245.

Twelfth Amendment.—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and

a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

See a full discussion of this amendment on pages 209-210-211-212-213.

Thirteenth Amendment.—Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2.—Congress shall have power to enforce this article by appropriate legislation.

Slavery.—This amendment abolished slavery in the nation and in all countries under the jurisdiction of the United States. Secretary of State Seward issued a certificate December 18, 1865, announcing that this amendment had been ratified by the required number of States, and declaring it a part of the national Constitution.

Fourteenth Amendment.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Citizenship.—The first section of this article defines citizenship. Men, women, and children born or naturalized in the United States and subject to its jurisdiction are citizens of the United States and the State wherein they reside. Mr. Cooley, in speaking of this part of the Constitution, says: "It is a formal declaration of the great principle that has been justly said to pervade and emanate the whole spirit of our Constitution and government—that all are equal before the law." This section also guards the rights of citizens by placing restrictions upon the power of the State.

Sec. 2.—Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of per-

sons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This section of the Fourteenth Amendment is treated on pages 143-144-145.

Sec. 3.—No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Punishment for Violating Oath of Office.—This section limits the power and privilege of all persons who take an oath to support the Federal Constitution, and afterward engage in insurrection and rebellion against it or give aid and comfort to the enemies of the nation. It would require a two-thirds vote of each House to remove from a citizen disability caused by the enforcement of this amendment.

Sec. 4.—The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Sec. 5.—The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

But little can be said concerning this section. It makes all debts as a result of suppressing rebellion and insurrection

valid, and it holds the government responsible for the payment of them. It further declares that all debts made in the interest of rebellion and insurrection shall not be paid by the government. This amendment arose out of the late Civil War.

Fifteenth Amendment.—The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Sec. 2.—The Congress shall have power to enforce this article by appropriate legislation.

This amendment was intended to give the negroes equal suffrage with the white people. A citizen can not be denied suffrage on account of race, color, or previous condition of servitude, but each State may, if it desires, prescribe qualifications for the voter. If a qualification is required by a State, it must be uniform and affect white, red, yellow, and black people in the same way.

SUGGESTIVE QUESTIONS.

Why is it necessary to have the right to amend the Constitution of the United States?

What did Franklin say about the power to amend the Constitution?

Give the consecutive steps and requirements that must be taken in amending the Constitution of the United States?

Mention some parts of the Constitution that can not be amended.

Can a State withdraw its ratification of an amendment?

How many times has the Constitution been amended?

Give the date of each.

How many amendments have been proposed?

What became of the debts contracted while the government operated under the Articles of Confederation and before the framing of the Constitution?

Give the constitutional authority that justifies your answer.

Give a statement from the Constitution that shows that State Constitutions and laws must harmonize with the national Constitution.

Why was Article 6, Clause 2, put in the Constitution?

Why are Senators and Representatives required to take oath to support the Constitution?

How many States did it require to ratify the work of the Constitutional Convention?

What religious privileges are guaranteed to citizens of the United States?

What did Mr. Storrs say concerning freedom of conscience?

What is meant by religious liberty?

- Is it right for each citizen to be permitted to work out a religious belief?
What did Judge Thomas M. Cooley say concerning religious liberty?
Why is freedom of speech and press essential in a republic?
What is said in this chapter concerning freedom of thought and the right of assembly and petition?
What is the militia that is referred to in the second amendment?
When do the citizens of a State have a right to bear arms?
Why does the Constitution limit this right at all?
What was the purpose in making the third amendment?
Give the purpose of the eighth, ninth, and tenth amendments.
Repeat that part of the Constitution which abolished slavery in the nation and in all countries under its jurisdiction.
Why was the fourteenth amendment to the Constitution made?
What is the purpose of the first, third, and fourth sections of the fourteenth amendment to the Constitution?
What is the effect of the fifteenth amendment of the Constitution of the United States?
Can a State discriminate between its citizens in prescribing a voting qualification?

QUESTION FOR DEBATE.

Resolved, That Congress should have the power to amend the Constitution of the United States.

CHAPTER XIX.

STATE AND LOCAL GOVERNMENTS.

Each State of the American Union has a government of many powers. In fact, the State has a right to legislate in all matters where control is not granted to the United States or prohibited by the Federal Constitution. The powers of the Federal Government are few when compared with the number enjoyed by the States. Our forefathers displayed great wisdom in creating a central government with sovereign power and in making the State Constitution subordinate to the Federal Constitution. But they, at the same time, displayed equal wisdom in leaving to the people of the State the power to exercise those rights that naturally belong to the State. President Garfield, in writing about State governments, said: "It will not be denied that the State government touches the citizen and his interests twenty times where the national government touches him once. For the peace of our streets and the health of our cities; for the administration of justice in nearly all that relates to the security of person and property, and the punishment of crime; for the education of our children, and the care of unfortunate and dependent citizens; for the collection and assessment of much the larger portion of our direct taxes, and for the proper expenditure of the same—for all this, and much more, we depend upon the honesty and wisdom of our General Assembly (of Ohio), and not upon the Congress at Washington."

It would take several volumes the size of this book to fully enumerate and explain the different powers and privileges enjoyed by each State of our Federal Union. The most we can do is to name without comment a few of the powers of government that are exercised by the State. All questions that concern the relation of private citizens, laws that regulate marriage, commercial contracts, principal and agent, belong to the State. The work of making criminal statutes for the

detection and punishment of crime, as well as all matters that relate to the control and support of the militia, the building and maintenance of roads, the right of suffrage, and the regulation of State elections, are questions that fall under the jurisdiction of the States. The State has great power in the making of laws touching the regulation of railroads, banks, insurance companies, and other corporations. The Constitutional Convention wisely left with each State the work of educating the people, the care of the defective classes, the insane, and the paupers. A great system of local governments has been created and established under the authority of the State. The masses have much more to do with State and local governments than with the Federal Government. The questions that relate to a wise administration of the State government deserve careful consideration.

The Nature of State Governments.—With the exception of the constitutional declaration that it shall have a republican form of government, every State of the Union has unlimited power to establish any form it may desire. Under this constitutional restriction, a State would not have a right to establish a monarchy or any other form of government that would deprive the people of the rights guaranteed to them under this enactment. The Federal Government does not only guarantee to each State a republican form of government, but it is obligated to see that each State establishes a government of this nature. Under certain conditions, it is the duty of the Federal Government to protect each State against invasion and domestic troubles.

Similarity of Governments.—You have discovered before this time a similarity between national, State, and city governments. You have not only been studying the principles of the fundamental law of our land, but in studying this law you have been also instructed in State and city governments. This book treats of five divisions of government, namely, divine, soul, national, State, and local. We are impressed at this point that it would be an excellent idea for the reader to stop and trace the legislative, executive, and judicial lines of

the chart and observe that the same plan and idea is found in the different forms of government. All the States have a supreme law known as the constitution. They have a legislative body made up of a lower and an upper house. They have an executive known as a governor. They have already established a system of local governments and have given to each of them certain duties and powers to perform. They have a code of laws known as the State Statutes, and these laws are enacted by the Legislatures of the States. They also have a judicial system composed of various courts with prescribed jurisdiction. They have worked out a system of assessing and collecting local taxes. We have mentioned a few of these leading points that the reader may observe the similarity of State and Federal Government. The earnest student of government studies State and local while studying Federal Government, and he learns much of Federal Government in his studies of local government.

Study the Nation First.—It is true that there are many important details connected with the State and local government that cannot be learned while we study the Federal Government, but the faithful reader has already seen the outlines, principles, and nature of State governments in the study of the Federal Constitution and its origin. In fact, when a man studies himself he beholds a republic, and when he examines the fundamental thought or law of a republic he studies State and local governments. "It is the nation, therefore, that stands out with boldness upon the political background; it is the nation that arrests attention and appeals to the imagination."

State Constitution.—The State Constitution, which is the supreme law of the State, springs from the national Constitution. It is made in the image of the national organic law of the land and favors the nation. The principle upon which it is built and the power which it contains are expressed and implied rights found in the Federal Constitution. It is true that there were State constitutions and governments before the national Constitution came into operation, and it would seem at first thought that the last statement is inaccurate. But while we study government it is proper to remember that after

the ratification of our Federal Constitution all States were required to shape their laws in conformity with and to abide by this supreme organic law of the land, which was established by the advice and consent of the different States. This they were required to do, even though they were by act of the Declaration of Independence in the Union and under State constitutions antedating the Federal Constitution. President Harrison, in his book, "This Country of Ours," says: "The Constitution of the United States is the supreme law, and every law of Congress, every State constitution, and every State law must be brought to the test of this supreme law, and is valid or invalid as it stands, or fails to stand, that test."

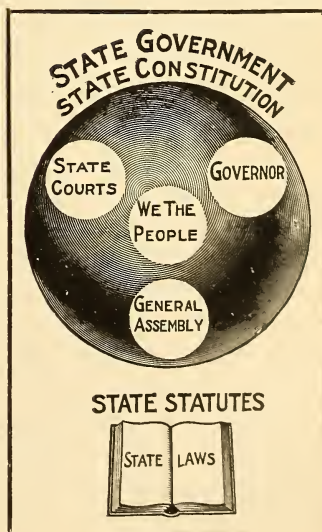
Amendments for State Constitution.—There is a continuous change going on in the public and private life of the people of a State. No constitution can be framed at one time that will meet all the future demands and real needs of the people. A fundamental law that meets the requirements of the people to-day is most likely to be inadequate fifty years from now. All State constitutions contain provisions for changing their constitutions. They also prescribe the way the amendments may be made. It would be an excellent idea for the reader to secure a copy of his State constitution and study how an amendment may be made and a new constitution secured.

Three Divisions of State Government.—1. The Legislature, Legislative Assembly, or General Assembly—the Law-making.

2. The Governor—the Law-enforcing.

3. The State Courts—the Law-interpreting.

There is no State constitution in the Union that has not made provisions for three departments of govern-



ment. The same principle of checks and balances existing between the three divisions of national government is employed in all of the State governments. Each department of State government is, to a certain degree, dependent on the others.

Representative and Senatorial Districts.—The States are divided into Representative and Senatorial Districts. The State Representatives and Senators are elected by the vote of the people of the districts. The number of Representative and Senatorial Districts depends upon the State constitution and laws.

State Legislatures.—The law-making body of the State is variously known in the different States as Legislature, Legislative Assembly, General Assembly, and General Court. The law-making body of each State is composed of an upper and lower house. The Senate is the upper house. This is uniform in all the States. Representation in the Legislature of the State is based upon population. The number of members in each legislative body, the length of the legislative session, the term of office, and the qualification of Senators and Representatives, as well as their salary, depend upon the different State constitutions and laws.

Enactment of State Laws.—The rules regulating the law-making body of the State are a part of the constitution. The methods are similar to those employed by the national government, and are similar in the different States.

The State Executive.—Most of the States vest the supreme executive power in the governor. However, a few give this power to the governor, lieutenant governor, and certain other officers. Even in the latter case, the governor is regarded as the chief executive and is held responsible for the execution of the duties of this office. The governor's term of office, his salary and executive duties depend upon the constitution and the laws of his State.

A Few of the General Duties of the Chief Executive of a State.—The highest duty of a governor is to see that the laws of his State are executed. It is his duty to care-

fully prepare, after thorough investigation and study, a message to the Legislature, touching and setting forth the condition and needs of the State; to fill such vacancies as come under his appointing power; to nominate and, with the consent of the Senate, appoint certain State officers; to sign all bills he approves that have passed the General Assembly, or Legislature, of the State; to call out the militia to suppress insurrection, repel invasion, and execute the laws of the State; to grant pardons and reprieves to convicted criminals when proper and right; to call a special session of the Legislature when necessary, and address a special message to it, setting forth the reasons for assembling an extra session. He may, in most States, veto a bill. However, he should thoroughly study the nature of the bill and be certain that the veto is in the interest of all the people. The duties of the governor are not exactly the same in the different States. However, a large part of their work is of the same nature, and their powers are similar. The work assigned each is prescribed in the supreme law of his State.

State Officers.—Most States have the following State officers: Governor, lieutenant governor, secretary of State, treasurer, auditor, attorney general, commissioner of agriculture, and superintendent of public instruction. Most of these officers are elected by the popular vote of the people of the State.

The Judicial System.—Each State has a complete judicial system. The leading features of the State judiciary are usually set forth by the State constitution. However, in some cases, the State Legislature is entrusted with a part of the work of organizing State courts. The courts of the different States are similar, but are different as to names. Most States have a justice's court, a fiscal court, county court, circuit court, and supreme court. Some States have a court of appeals, which is frequently styled the "supremest court." While the courts in the different States go by different names, yet the jurisdiction and nature of each is about the same. The student should

familiarize himself with the names and the work of each court in his own State.

The Supreme Court.—This is the highest court of the State. It sustains the same relation to the State that the Federal Supreme Court does to the nation. It holds annual sessions at the State capitol.

Local Government.—We have already seen that there are, in addition to municipal government, three other types of local government in the United States. We explained to a considerable extent a part of this system of local government in the ninth chapter of this book. The three forms of local government referred to are: First, the New England type, in which the unit of government is the town or township; second, the Southern type, in which the unit is the county; and, third, the Western type, in which the New England and Southern systems are combined.

The Town or the Township.—The general thought of this form of local government is given in the ninth chapter. The reader should bear in mind that wherever the town has been made the unit of local government, the county is made subordinate in matters of general control. It is true, however, that the county, even under these conditions, also shares, to a certain extent, in the administration of local affairs. Every State in the Union has been divided into counties, or parishes; and in those sections where the town government prevails, the county is divided into towns or townships.

The County System.—The county is a corporation that receives its authority from the State Legislature. Each State in the Union is divided into counties. In Louisiana these divisions are known as parishes. These local units of the State are clothed with certain political, judicial, and administrative powers. The people of the county elect their officers to look after the business of the county. These officers control the county property, collect State and county taxes, direct the repairing and building public roads and bridges, look after the care of the poor, and superintend all other general local matters which concern the affairs and the business of the

county. The county officers are elected for various terms and in different ways in the several States. It would be well for the student to be able to name the offices of his county and give the duties, qualifications, and term of office of the officers elected to fill them.

The Combined or Western Type.—Mr. Willoughby, in speaking of this type of local government in his excellent book on the Rights and Duties of American Citizenship, says: "Here we find the New England and Southern systems combined, but combined in such various degrees as to render impracticable any attempt to describe them more particularly. In consequence of grants of land by the Federal Government to Western States for education, local areas for the administration of these funds have been formed. These are called school districts. Their boundaries coincide with the boundaries of the townships and counties, though a number of school districts may be in one county or township."

Suffrage.—The power of prescribing the qualification of the voter belongs to the State. The qualification necessary to enjoy this high and sacred privilege is not uniform in the different States. As a general rule, however, a majority of the States requires that voters be male citizens who are twenty-one years of age and residents for a certain time of the State in which they vote. There are exceptions to this general rule. Many laws touching the privilege of suffrage have been enacted in the different States. The lack of uniformity in State election laws makes it necessary for a citizen going from one State into another to study the election laws of that State before he can determine whether he would have the privilege of suffrage. A few of the States of the American Union have given the women the privilege of voting; some require an educational test, while others prohibit woman suffrage and make no educational test whatever. A few States do not even require that the voters be citizens. A few have created a system of registration and require specific proof relative to certain points before the citizen is permitted to vote. All of these matters depend upon the

State laws, as the State enjoys full power in making election laws and in determining who shall vote.

Voting.—Various laws have been enacted by the different States for the purpose of taking and registering votes. The control of this question was left with the State, and each Commonwealth of our nation has exercised this power by enacting election laws. No uniformity as to the time and place of electing State officers exists among the States. Selecting the presidential electors, who elect the President and Vice President of the United States, however, is uniform in the different States. Each State takes this vote the first Tuesday after the first Monday in November. Polling places and the methods of registering and counting the votes are provided for in the election laws. The choice of the people may be ascertained by ballot, by voting machines, or by viva voce. A large majority of the States have, however, adopted the Australian system of balloting. By this system the voter is given a printed ballot containing the names of all the candidates to be voted for, and he takes this ballot and retires to a booth or a small room where he can be alone and vote in perfect secrecy. This ballot does not only contain the names of the candidates to be voted for, but there is printed on it the emblem of each political party. If the citizen desires to vote the "straight ticket," he places a mark in the circle or square under the party emblem. If he desires to "split" or "scratch" the ticket, he places the mark in the small square at the right of the name of each candidate for whom he desires to cast his ballot. After he has marked his ballot and thereby expressed his choice, he folds it before he leaves the booth or room, so that no one can see how he has voted, and hands it to the election officer who deposits it in the ballot-box. Under this system of balloting no one can tell how he voted. The privilege of a person to vote may, however, be questioned by certain officers of the election, and, in some States, by any citizen. This is usually known as "challenging" the privilege to exercise suffrage. When the voter's privilege is challenged it is usually required that he

“swear in his vote;” that is, to take oath that he is, to his best knowledge entitled to the privilege of suffrage.

A great many kinds of laws have been enacted in the various States for the punishment of unlawful voting and for the violation of election laws. Betting on elections in some of the States has been prohibited by law.

Elections.—The States are divided into small districts. These districts are created in order to offer a convenient method of determining the choice of the people. These districts are frequently spoken of in the rural sections as voting precincts and in cities as wards. There is a place appointed by law in each of the districts where the voters can go on election day and cast their votes. Voting is usually done in one day between sunrise and sunset. After the polls are closed the appointed officers open the ballot-boxes and canvass the votes. Most of the States have made it lawful to elect with the plurality vote. Mr. Young, in his *Government Class Book*, says: “An election by plurality is when the person elected has received a higher number of votes than any other, though such number be less than half of all the votes given. Suppose, for example, three candidates receive 1,000 votes—one receives 450, another 300, the third 250 votes. The first, having the highest number, though not a majority, is elected. In most of the States of New England a majority—that is, more than one half of all the votes given—is necessary to the election of many of the higher officers. The least number of votes out of 1,000, by which a person can be elected by this rule, is 501.”

State Assessments.—Before there can be a collection of taxes, it is necessary to secure a valuation of the property of the State. This assessment is made by officers known as assessors or appraisers, elected by the people of the local government. They are, of course, elected under the authority of the State laws, as the local government gets all of its authority from the State. It is the duty of these officers to secure a complete and, if possible, an accurate valuation of the property of the citizens who live within the bounds of his authorized district. It sometimes happens that the property of a certain county is not

rated at its proper value, and if this were permitted to exist it would subject the people of the State to an injustice. In order to correct abuses of this nature, most States have created what is known as the State board of equalization. It is the duty of this board to see that there is an equable, as well as a proper, assessment of property and distribution of taxes. Counties and cities have also found it necessary to create similar boards in order to avoid abuses of the same nature. Many of the States have taken the assessment of certain kinds of property, such as telegraph and telephone lines and railways, out of the hands of assessors, or appraisers, and have created special boards to make these assessments.

Collection of Taxes.—Taxes, as a rule, are collected by local officers and not by State officials. County or township officers collect the local and State taxes, remit to the State the amount of the State assessment, and retain the amount assessed for local purposes.

Finances.—It requires quite a large amount of money to conduct the business of a State. Like the national government, this money is raised through a system of taxation. Without this power the State would be helpless in its work of developing local and State affairs. It would have no money to defray the expenses of the government and to sustain State institutions of various kinds. Without this power there could be no public school system, no asylums, and no institutions for the unfortunate; it could not build canals, open public highways, build and maintain public roads, construct bridges, and do other necessary work of a public nature. Taxes are usually levied on real estate and personal property. Many of the States levy a poll tax, and some of them tax "collateral inheritances." Some secure funds through a system of indirect taxation. This consists of taxing a particular trade, occupation, etc. All States have exempted certain property and institutions from taxation. We may name in this list the church property, public buildings that are constructed and used for the general welfare of the people, and public educational

and charitable institutions that are run in the interest of character-building and good citizenship.

Education.—Owing to the fact that the perpetuity of our republic depends upon an intelligent and righteous citizenship, the author devoted the eighth chapter of this book to education. We now find that the Federal Government has entrusted the education of the people to the State. The State has been charged with no duty of more importance than the development of an educational system. The progressive State looks closely after the education of its subjects. The road that leads to power runs through universal education. The public school, the graded school, the high school, as well as the higher educational institutions of learning, should occupy a prominent place in the minds and hearts of the people of a State. The nature of the school system, the plan upon which it is operated, and the system adopted depend upon State constitutions and State laws. Each Commonwealth of our Union has wisely given special emphasis to those questions relating to the education of the masses. Each State has wisely decided that progress begins with childhood and that a republican form of government demands that each State secure the highest order of self-control on the part of each of its citizens.

Administration of Schools.—Most of the States have arranged for a board of education and for a State superintendent of public instruction. It is the duty of these boards and officers to take the lead in the development of the educational system of the State, to study educational methods, and to establish or recommend such things as fall under the jurisdiction of their office. They usually study the educational curriculum and recommend such a course of study and such changes in the course of study as will secure the best educational results. They also prepare the questions for the different examinations. In a few of the States these boards and officers do most of the work in examining the applicants who desire to teach in the different schools. The majority of the States, however, have, in addition to the State boards and the State superintendent of public instruction, county boards and county

superintendents. It is the duty of these local educational officers to look after the general educational system of the county or township in which they preside. The examinations of the teachers of their county or township are usually left with these local officials.

The question of education in a republic is one of prime importance, and the States of our Union are wisely contributing much of their best talent and energy, as well as a large amount of money, to the educational development of the State.

SUGGESTIVE QUESTIONS.

- Give some idea of the powers enjoyed by State governments.
- In what way do State and national governments resemble?
- What is the supreme law of the nation?
- What is the supreme law of the State?
- With what great organic law must all State constitutions and laws harmonize? Why?
- What would be the result if a State Constitution or law conflicted with the national Constitution?
- How are State Constitutions obtained?
- Why is it necessary for them to be capable of amendment?
- Give the usual steps in amending a State Constitution.
- Under how many Constitutions has your State operated?
- Give the date of each.
- Mention a few of the leading amendments that have been made.
- How many departments of State government? Name them.
- What is said about the similarity of governments?
- How are State representatives and senators elected?
- How many representatives and senators in your State?
- What is the name of the law-making department of your State?
- How are State laws made?
- Compare the way laws are made in your State with the way national laws are enacted.
- Wherein do they differ?
- Who is the chief executive of your State?
- Name a few of his duties.
- Compare his duties with those of the President of the United States.
- In what way do they resemble?
- What constitutes the judicial department of your State?
- Name the courts of this department.
- Give some idea of the jurisdiction of each.
- What is the name of your highest court?

Name the leading officers of your State and county government, and tell about the term of office and duties of each.

How many forms of local government are there in the United States?

Name and tell about each.

What is meant by suffrage?

What power has the State in regulating the qualification of voters?

Give the different methods of voting and explain each.

What is meant by "challenging" a vote?

By whom are election laws made?

What is a plurality vote?

What is a majority vote?

How are State assessments of property made?

What are the duties of a State Board of Equalization?

Who has control of the education of the people?

How are the schools of the State managed?

QUESTION FOR DEBATE.

Resolved, That there should be an educational qualification for suffrage.

CHAPTER XX.

MUNICIPAL GOVERNMENT.

The Constitution.—The charter granted by the State, or the articles of incorporation secured under the authority of the law of the State, is the constitution of municipal government. All American cities receive their form of government from the State in which they are located. They have no civil power that is not given to them by the State. Originally, each city operated its government under a special charter granted by the State, but now most of the States have made general laws authorizing cities of certain population and density to incorporate. State Legislatures, however, enact much special legislation for certain cities, and particularly for the larger ones. "Some idea of the complexity due to the practice of giving special charters to particular cities, or passing special bills relating to them, may be gathered from the fact that in Ohio, for instance, the duties of the mayor vary greatly in the six chief cities of the State. There are duties which a mayor has in Cincinnati only, out of all the cities of the State; others which he has in all the cities except Cincinnati; others in Cincinnati and Toledo only; others in Cleveland, Toledo, Columbus, Dayton, and Springfield only; others in Cleveland and Toledo only; others in Cleveland only; others in Toledo only; others in Columbus and Dayton only. These variations are the result not of ordinances made by each city for itself, but of State legislation."

The Functions of City Government.—Mr. Bryce, in his admirable work on "The American Commonwealth," makes the following analysis of the functions of city government:

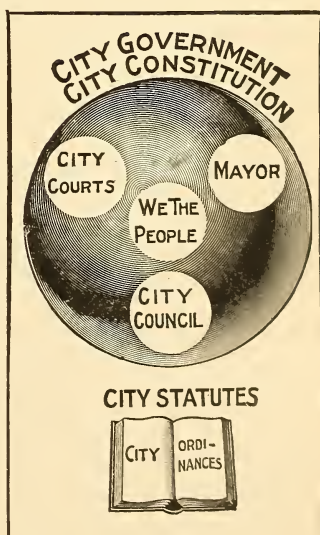
"The functions of city governments may be distributed into three groups: (a) Those which are delegated by the State out of its general coercive and administrative powers, including the police power, the granting of licenses, the execution of laws relating to adulteration and explosives; (b) those which, though

done under general laws, are properly matters of local charge and subject to local regulation, such as education and the care of the poor, and (c) those which are not so much of a political as of a purely business order, such as the paving and cleansing of streets, the maintenance of proper drains, the provision of water and light. In respect of the first, and to some extent of the second of these groups, the city may be properly deemed a political entity; in respect of the third, it is rather to be compared to a business corporation or company, in which the taxpayers are shareholders, doing, through the agency of the city officers, things which each might do for himself, though with more cost and trouble. All three sets of functions are dealt with by American legislation in the same way, and are alike given to officials and a legislature elected by persons of whom a large part pay no direct taxes."

The Three Divisions of City Government.—The three divisions of city government resemble a "reduced copy of the government of the State." The same system and plan embodied in the government of the nation and the State is observed in municipal government. It has a legislative, an executive, and a judicial department:

1. The Council, or the Council and the Board of Aldermen—the Law-making.
2. The Mayor—the Law-enforcing.
3. The City Court, or City Courts—the Law-interpreting.

The Legislative Department.—The council, or the council and the board of aldermen, is the law-making department of city government. It is sometimes composed of a common council, while in other cases it consists of a board of aldermen and a common council. The common council is known as the lower house and the board of aldermen as the upper



house. The work of the legislature of the city is varied and important. The acts of this legislature are known as city ordinances or municipal laws. The student should study the ordinances passed by the legislature of his city.

How Elected.—All members of both houses of the city legislature are elected by the people. The city is divided into wards, and the councilman from each ward is elected by the people of his ward. In some cases the members of the upper house are elected by the people of districts, or "on what is called the 'general ticket,' i. e., a vote over the whole city." With but few exceptions, the members of the city legislature do not receive any salary for services rendered. They hold office for different terms. The time each holds office depends mainly upon the constitution under which the government is operated.

The Judicial Department.—The city court, or courts, is the judicial department of municipal government. Some cities have no police court. In this case, the mayor holds the court. This, however, is the exception. Almost every municipal government has a city court. It sometimes happens that large cities have a complete system of courts. But this, of course, is an exception to the rule. One is justified in speaking of the city court as a judicial division of municipal government. The jurisdiction of this court is defined by constitutions and by laws.

The Administration of City Government.—The plan by which the practical work of the government is carried on depends largely upon the nature of the charter under which the government is operated and the State laws and city ordinances enacted for the government of the particular city. In many cities the work is done by boards, or commissions, created for that purpose. Some of these boards, and commissions are elected by the people and hold office for various terms; others are chosen by the city legislature, and some are appointed by the mayor with the consent of the legislature.

Education.—In most cases the education of the people of the city has been separate from the government of the city.

It has been made a distinct affair. The mayor and legislature have nothing to do with it. This highly important work is usually entrusted to a board of education which is, as a rule, elected by the people, but in some cases appointed by the mayor. In a very few cases the board is elected by the city legislature. These boards are empowered with such rights and privileges as will guarantee a proper, just, and effective administration of the school system of the city.

The Executive Department.—The mayor is the executive of the city. He is the most important officer of the city government. He is elected by the people of the whole city. His term of office ranges from one to five years and his salary from a small amount up to ten thousand dollars per year. It is his duty to study the condition of the city over which he presides, report the same to the city legislature, and make such recommendations as he may deem proper and expedient. It is his duty to provide for the public peace, see that the laws are executed, and that the city is kept in a neat and healthful condition. The mayor of almost every city has power to veto ordinances. However, in most cases, they may be passed without his consent by a two-thirds vote of the city legislature. The mayor of many cities is aided by officers who do executive work of great importance. Yet, the public universally looks to the mayor as the chief executive of the city government and holds him responsible for the administration of municipal affairs.

The Relation of City and State Government.—You have learned before now that the city government is a creature of the State government, and that State governments are organic parts of our national government. The city government is limited by the powers conferred on it by the State constitution and State laws. City ordinances are subject to the State constitution and laws. A State has the right to delegate certain powers to other forms of government, while the city government has no such right. In fact, the State government enjoys many powers not specifically enumerated in the national constitution and laws. A multiplicity of rights spring from the implied powers of a State.

QUESTIONS.

- What is the constitution of municipal government?
How does a city secure this law which gives its people a government?
From what do all American cities receive their charters, or constitutions?
Give the general functions of city government.
How many departments of city government? Name them.
Explain the legislative department.
What are the laws usually enacted by this department called?
How are the members of the legislative department elected?
What constitutes the judicial department?
What is the general plan usually adopted in order to properly administer city government?
Name a few of the general boards, commissioners, etc., of some city you have in your State.
How is the public educational system of a city usually managed?
Who is the chief executive of a city?
Give his duties.
Compare the nature of his work with the work of the President and the governor.
In what way do they resemble?
Give briefly the difference between the powers of the city and the State governments.

QUESTION FOR DEBATE.

Resolved, That a public library should be supported in every city by a uniform taxation of the people of that city.

APPENDIX.

Documents Showing the Steps that led to Enactment of the Federal Constitution.

1620—THE MAYFLOWER COMPACT—1620.

This Compact was signed by the 41 members of the Pilgrim Company while on board the Mayflower, December 11, 1620.

In ye name of God, Amen; We, whose names are underwritten, ye loyall subjects of our dread soveraigne, King James, by ye grace of God, of Great Britaine, France, and Ireland King, defender of ye faith, etc., having undertaken, for ye glorie of God, and advancemente of ye Christian faith and honor of our king and countrie, a voyage to plant ye first colonie in ye Northerne parts of Virginia, doe, by these presents, solemnly and mutually, in ye presence of God, and one of another, covenant and combine ourselves together into a civil body politick, for our better ordering and preservation and furtherance of ye ends aforesaid; and, by vertue heareof, to enacte, constitute, and frame, such just and equall laws, ordinances, most meete and convenient for ye generall good of ye Colonie. Unto which we promise all due submission and obedience. In witnes whereof we have hereunder subscribed our names, at Cape Cod, ye 11th of November, in ye year of ye raigne of our soveraigne lord, King James, of England, France, and Ireland ye eighteenth, and of Scotland ye fifty-fourth, Anno Domini, 1620.

1643—THE NEW ENGLAND CONFEDERATION—1643.

Betweene the plantations vnder the Gouverment of the Massachusetts, the Plantacons vnder the Gouverment of New Plymouth, the Plantacons vnder the Gouverment of Connectacutt, and the Gouverment of New Haven with the Plantacons in combinacon therewith.

WHEREAS, wee all came into these parts of America with one and the same end and ayme, namely, to advaunce the kingdome of our Lord Jesus Christ, and to enjoy the liberties of the Gospell in puritie with peace. And

whereas in our settleinge (by a wise Providence of God) we are further dispersed vpon the Sea Coasts and Riuers then was at first intended, so that we cannot according to our desire, with convenience, communicate in one Gouverment and Jurisdiccon. And whereas we live encompassed with people of seuerall Nations and strang languages which heereafter may proue injurious to vs or our posteritie. And forasmuch as the Natives have formerly committed sondry insolences and outrages vpon seuerall Plantacons of the English and have of late combined themselves against vs. And seeing by reason of those sad Distraccons in England, which they have heard of, and by which they know we are hindred from that humble way of seekinge advise or reapeing those comfortable fruits of protection which at other tymes we might well expecte. Wee therefore doe conceiue it our bounden Dutye without delay to enter into a present consotiation amongst ourselves for mutual help and strength in all our future concernements: That as in Nation and Religion, so in other Respects we bee and continue one according to the tenor and true meaninge of the ensuing Articles: Wherefore it is fully agreed and concluded by and betweene the parties or Jurisdiccons aboue named, and they joyntly and seuerally doe by these presents agreed and concluded that they all be, and henceforth bee called by the Name of the United Colonies of New England.

II. The said United Colonies, for themselves and their posterities, do joyntly and seuerally, hereby enter into a firme and perpetuall league of friendship and amytie, for offence and defence, mutuall advise and succour, vpon all just occations, both for preserueing and propagating the truth and liberties of the Gospel, and for their owne mutual safety and welfare.

III. It is further agreed That the Plantacons which at present are or hereafter shalbe settled within the limmetts of the Massachusetts, shalbe forever vnder the Massachusetts, and shall have peculiar Jurisdiccon among themselves in all cases as an entire Body, and that Plymouth, Conneckta-cutt, and New Haven shall eich of them haue like peculiar Jurisdiccon and Gouverment within their limmetts and in referrence to the Plantacons which already are settled or shall hereafter be erected or shall settle within their limmetts respectiue; prouided that no other Jurisdiccon shall hereafter be taken in as a distinct head or member of this Confederacon, nor shall any other Plantacon or Jurisdiccon in present being and not already in combynacon or vnder the Jurisdiction of any of these Confederats be received by any of them, nor shall any two of the Confederats joyne in one Jurisdiccon without consent of the rest, which consent to be interpreted as is expressed in the sixth Article ensuinge.

IV. It is by these Confederats agreed that the charge of all just warrs, whether offensive or defensieue, upon what part or member of this Confederacon soever they fall, shall both in men and provisions and all other Disbursements, be borne by all the parts of this Confederacon, in different proporcons according to their different abilitie, in manner following, namely,

that the Commissioners for eich Jurisdiccon from tyme to tyme, as there shalbe occation, bring a true account and number of all the males in every plantacon, or any way belonging to, or under their seuerall Jurisdiccons, of what quality or condicon soeuer they bee, from sixteene yeares old to threescore, being Inhabitants there. And That according to the different numbers which from tyme to tye shalbe found in eich Jurisdiccon, upon a true and just account, the service of men and all charges of the warr be borne by the Poll: Eich Jurisdiccon, or Plantacon, being left to their owne just course and custome of rating themselues and people according to their different estates, with due respects to their qualities and exemptions among themselues, though the Confederacon take no notice of any such priuiledg: And that according to their different charge of eich Jurisdiccon and Plantacon, the whole advantage of the warr (if it please God to bless their Endeavors) whether it be in lands, goods or persons, shall be proportionably deuided among the said Confederats.

V. It is further agreed That if any of these Jurisdiccons, or any Plantacons vnder it, or in any combynacon with them be envaded by any enemie whomsoeuer, upon notice and request of any three majestrats of that Jurisdiccon so invaded, the rest of the Confederates without any further meeting or expostulacon, shall forthwith send ayde to the Confederate in danger, but in different proporcons, namely, the Massachusetts an hundred men sufficiently armed and provided for such a service and journey, and eich of the rest fourty-five so armed and provided, or any lesse number, if lesse be required, according to this proporcon. But if such Confederate, in danger may be supplied by their next Confederate, not exceeding the number hereby agreed, they may craue help there, and seeke no further for the present. The charge to be borne as in this Article is exprest: And, at the returne, to be victualled and supplied with poder and shott for their journey (if there be neede) by that Jurisdiccon which employed or sent for them: But none of the Jurisdiccons to exceed these numbers till by a meeting of the Commissioners for this Confederacon a greater ayd appeare necessary. And this proporcon to continue, till upon knowledge of greater numbers in eich Jurisdiccon which shalbe brought to the next meeting some other proporcon be ordered. But in any such case of sending men for present ayd whether before or after such order or alteracon, it is agreed that at the meeting of the Commissioners for this Confederacon, the cause of such warr or invasion be duly considered: And if it appeare that the fault lay in the parties so invaded, that then that Jurisdiccon or Plantacon make just Satisfaccon, both to the Invaders who they have injued, and beare all the charges of the warr themselves without requiring any allowance from the rest of the Confederats towards the same. And further, that if any Jurisdiccon see any danger of any Invasion approaching, and there be tyme for a meeting, that in such case three majestrats of that Jurisdiccon may summon a meeting at such conveyent place themselues shall think meete, to consider

and provide against the threatned danger, Provided when they are met they may remoue to what place they please. Onely whilst any of these foure Confederats have but three majestrats in their Jurisdiccon, their request or summons from any two of them shalbe accounted of equall force with the three mentoned in both the clauses of this Article, till there be an increase of majestrats there.

VI. It is also agreed that for the managing and concluding of all affairs proper and concerning the whole Confédération two Commissioners shalbe chosen by and out of eich of these foure Jurisdiccons, namely, two for the Mattachusetts, two for Plymouth, two for Connectacutt and two for New Haven; being all in Church fellowship with us, which shall bring full power from their seurall generall Courts respectively to heare, examine, weigh and determine all affairs of our warr or peace, leagues, ayds, charges and numbers of men for warr, divission of spoyles and whatsoever is gotten by conquest, receiueing of more Confederats for plantacons into combinacon with any of the Confederates, and all things of like nature, which are the proper concomitants or consequence of such a confederacon, for amytie, offence and defence, not intermeddleing with the gouernment of any of the Jurisdiccons which by the third Article is preserued entirely to themselves. But if these eight Commissioners, when they meete, shall not all agree, yet it is concluded that any six of the eight agreeing shall have power to settle and determine the business in question: But if six do not agree, that then such proposicons with their reasons, so farr as they have beene debated, be sent and referred to the foure generall Courts, vizt., the Mattachusetts, Plymouth, Connectacutt, and New Haven: And if at all the said Generall Courts the business so referred be concluded, then to bee prosecuted by the Confederates and all their members. It is further agreed that these eight Commissioners shall meete once every yeare, besides extraordinary meetings (according to the fift Article) to consider, treat and conclude of all affaires belonging to this Confederacon, which meeting shall ever be the first Thursday in September. And that the next meeting after the date of these presents, which shalbe accounted the second meeting, shalbe at Bostone in the Massachusetts, the third at Hartford, the fourth at New Haven, the fift at Plymouth, the sixt and seaventh at Bostone. And then Hartford, New Haven and Plymouth, and so in course successiuey, if in the meane tyme some middle place be not found out and agreed on which may be commodious for all the jurisdiccons.

VII. It is further agreed that at eich meeting of these eight Commissioners, whether ordinary or extraordinary, they, or six of them agreeing as before, may choose their President out of themselues, whose office and worke shalbe to take care and direct for order and a comely carrying on of all proceedings in the present meeting. But he shalbe invested with no such power or respect as by which he shall hinder the propounding or

progresse of any businesse, or any way cast the Scales, otherwise than in the precedent Article is agreed.

VIII. It is also agreed that the Commissioners for this Confederacon hereafter at their meetings, whether ordinary or extraordinary, as they may have commission or opertunitie, do endeavoure to frame and establish agreements and orders in generall cases of a civill nature wherein all the plantacons are interested for preserving peace among themselues, and preventing as much as may bee all occations of warr or difference with others, as about the free and speedy passage of Justice in every Jurisdiccon, to all the Confederats equally as their owne, receiving those that remoue from one plantacon to another without due certefycats; how all the Jurisdiccons may carry it towards the Indians, that they neither grow insolent nor be injured without due satisfaccon, lest warr break in vpon the Confederates through such miscarryage. It is also agreed that if any servant runn away from his master into any other of these confederated Jurisdiccons, That in such Case, vpon the Certyficat of one Majistrate in the Jurisdiccon out of which the said servant fled, or vpon other due prooffe, the said servant, shalbe deliuered either to his Master or any other that pursues and brings such Certificate or prooffe. And that vpon the escape of any prisoner whatsoever or fugitiue for any criminal cause, whether breaking prison or getting from the officer or otherwise escaping, vpon the certificate of two Majistrats of the Jurisdiccon out of which the escape is made that he was a prisoner or such an offender at the tyme of the escape. The Majestrates or some of them of that Jurisdiccon where for the present the said prisoner or fugitive abideth shall forthwith graunt such a warrant as the case will beare for the apprehending of any such person, and the delivery of him into the hands of the officer or other person that pursues him. And if there be help required for the safe returneing of any such offender, then it shalbe graunted to him that craves the same, he paying the charges thereof.

IX. And for that the justest warrs may be of dangerous consequence, espetially to the smaler plantacons in these vnited Colonies, it is agreed that neither the Massachusetts, Plymouth, Connectacutt nor New Haven, nor any of the members of any of them shall at any tyme hereafter begin, undertake, or engage themselues or this Confederacon, or any part thereof in any warr whatsoever (sudden exegents with the necessary consequents thereof excepted) which are also to be moderated as much as the case will permit, without the consent and agreement of the forenamed eight Commissioners, or at least six of them, as in the sixt Article is provided: And that no charge be required of any of the Confederats in case of a defensiuie warr till the said Commissioners haue mett and approued the justice of the warr, and have agreed vpon the sum of money to be levyed, which sum is then to be payd by the severall Confederates in proporcon according to the fourth Article.

X. That in extraordinary occations when meetings are summoned by

three Majistrats of any Jurisdiccon, or two as in the fift Article, If any of the Commissioners come not, due warneing being given or sent, It is agreed that foure of the Commissioners shall have power to direct a warr which can not be delayed and to send for due proporcons of men out of eich Jurisdiccon, as well as six might doe if all mett; but not less than six shall determine the justice of the war or allow the demaunde of bills of charges or cause any levies to be made for the same.

XI. It is further agreed that if any of the Confederates shall hereafter break any of these present Articles, or be any other wayes injurious to any one of thother Jurisdiccons, such breach of Agreement, or injurie, shalbe duly considered and ordered by the Commissioners for thother Jurisdiccons, that both peace and this present Confederacon may be entirely preserved without violation.

XII. Lastly, this perpetuall Confederacon and the seuerall Articles and Agreements thereof being read and seriously considered, both by the Generall Court for the Massachusetts, and by the Commissioners for Plymouth, Connectacutt and New Haven, were fully allowed and confirmed by three of the forenamed Confederates, namely, the Massachusetts, Connectacutt and New-Haven, Onely the Commissioners for Plymouth, having no Commission to conclude, desired respite till they might advise with their Generall Court, wherevpon it was agreed and concluded by the said court of the Massachusetts, and the Commissioners for the other two Confederates, That if Plymouth Consent, then the whole treaty as it stands in these present articles is and shall continue firme and stable without alteracon: But if Plymouth come not in, yet the other three Confederates doe by these presents confirme the whole Confederacon and all the articles thereof, onely, in September next, when the second meeting of the Commissioners is to be at Bostone, new consideracon may be taken of the sixt Article, which concernes number of Commissioners for meeting and concluding the affaires of this Confederacon to the satisfaccon of the court of the Massachusetts, and the Commissioners for thother two Confederates, but the rest to stand vnquestioned.

In testimony whereof, the Generall Court of the Massachusetts by their Secretary, and for the Commissioners Connectacutt and New-Haven haue subscribed these presente articles, this sixth of the third month, commonly called May, Anno Domini 1643.

At a Meeting of the Commissioners for the Confederacon, held at Boston, the Seaventh of September. It appearing that the General Court of New Plymouth, and the severall Townships thereof have read, considered and approued these articles of Confederation, as appeareth by Commission from their Generall Court beareing Date the xxixth of August, 1643, to Mr. Edward Winslowe and Mr. Will Collyer, to ratifye and confirm the same on their behalf, wee, therefore, the Commissioners for the Mattachusetts,

Coneectacutt and New Haven, doe also for our seuerall Gouvernments, subscribe vnto them.

JOHN WINTHROP, Governor of Massachusetts.

THO. DUDLEY.

THEOPH. EATON.

GEO. FENWICK.

EDWA. HOPKINS.

THOMAS GREGSON.

MSC.

1697—PENN'S PLAN OF UNION—1697.

A Briefe and Plaine Scheme how the English Colonies in the North parts of America, viz.: Boston, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, and Carolina may be made more usefule to the Crowne, and one another's peace and safety with an universal concurrence.

1st. That the severall Colonies before mentioned do meet once a year, and, oftener if need be, during the war, and at least once in two years in times of peace, by their stated and appointed Deputies, to debate and resolve of such measures as are most advisable for their better understanding, and the public tranquillity and safety.

2d. That in order to it two persons well qualified for sense, sobriety, and substance be appointed by each Province, as their Representatives or Deputies, which in the whole make the Congress to consist of twenty persons.

3d. That the King's Commissioner for that purpose specially appointed shall have the chaire and preside in the said Congresse.

4th. That they shall meet as near as conveniently may be to the most centrale Colony for use of the Deputies.

5th. Since that may in all probability be New York, both because it is near the Center of the Colonies and for that it is a Frontier and in the King's nomination, the Gouv. of that Colony may therefore also be the King's High Commissioner during the session after the manner of Scotland.

6th. That their business shall be to hear and adjust all matters of Complaint or difference between Province and Province. As, 1st, where persons quit their own Province and goe to another, that they may avoid their just debts, tho they be able to pay them; 2nd, where offenders fly Justice, or Justice can not well be had upon such offenders in the Provinces that entertaine them; 3dly, to prevent or cure injuries in point of Commerce; 4th, to consider of ways and means to support the union and safety of these Provinces against the publick enemies. In which Congresse the Quotas of men and charges will be much easier, and more equally sett, then it is possible for any establishment made here to do; for the Provinces knowing their own condition and one another's, can debate that matter with more free-

dome and satisfaction and better adjust and balance their affairs in all respects for their common safety.

7ly. That in times of war the King's High Commissioner shall be General or Chief Commander of the severall Quotas upon service against a common enemy as he shall be advised, for the good and benefit of the whole.

1754—FRANKLIN'S PLAN OF UNION—1754.

It is proposed that humble application be made for an act of Parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said colonies, within and under which government each Colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act, as hereafter follows.

PRESIDENT-GENERAL AND GRAND COUNCIL.

That the said general government be administered by a President-General, to be appointed and supported by the Crown; and a Grand Council, to be chosen by the representatives of the people of the several Colonies met in their respective assemblies.

ELECTION OF MEMBERS.

That within months after the passing such act, the House of Representatives that happens to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the Grand Council, in the following proportion, that is to say:

Massachusetts Bay	7	New Hampshire	2
Connecticut	5	Rhode Island	2
New York	4	New Jersey	3
Pennsylvania	6	Maryland	4
Virginia	7	North Carolina	4
South Carolina	4		—
	—		15
	33		—
		Total	48

PLACE OF FIRST MEETING.

..... who shall meet for the first time at the City of Philadelphia, in Pennsylvania, being called by the President-General as soon as conveniently may be after his appointment.

NEW ELECTION.

That there shall be a new election of the members of the Grand Council every three years; and, on the death or resignation of any member, his place should be supplied by a new choice at the next sitting of the Assembly of the Colony he represented.

PROPORTION OF MEMBERS AFTER THE FIRST THREE YEARS.

That after the first three years, when the proportion of money arising out of each Colony to the general treasury can be known, the number of members to be chosen for each Colony shall from time to time, in all ensuing elections, be regulated by that proportion, yet so as that the number to be chosen by any one Province be not more than seven, nor less than two.

MEETINGS OF THE GRAND COUNCIL AND CALL.

That the Grand Council shall meet once in every year, and oftener, if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the President-General on any emergency, he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

CONTINUANCE.

That the Grand Council shall have power to choose their Speaker; and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time, without their own consent or the special command of the Crown.

MEMBERS' ALLOWANCE.

That the members of the Grand Council shall be allowed for their service ten shillings sterling per diem, during their session and journey to and from the place of meeting, twenty miles to be reckoned a day's journey.

ASSENT OF PRESIDENT-GENERAL AND HIS DUTY.

That the assent of the President-General be requisite to all acts of the Grand Council, and that it be his office and duty to cause them to be carried into execution.

POWER OF THE PRESIDENT-GENERAL AND GRAND COUNCIL; TREATIES OF PEACE AND WAR.

That the President-General, with the advice of the Grand Council, hold or direct all Indian treaties, in which the general interest of the Colonies may be concerned; and make peace or declare war with Indian nations.

INDIAN TRADE.

That they make such laws as they judge necessary for regulating all Indian trade.

INDIAN PURCHASES.

That they make all purchases from Indians, for the Crown, of lands not now within the bounds of particular Colonies, or that shall not be within their bounds when some of them are reduced to more convenient dimensions.

NEW SETTLEMENTS.

That they make new settlements on such purchases, by granting lands in the King's name, reserving a quit-rent to the Crown for the use of the general treasury.

LAWS TO GOVERN THEM.

That they make laws for regulating and governing such new settlements till the Crown shall think fit to form them into particular governments.

RAISE SOLDIERS AND EQUIP VESSELS, ETC.

That they raise and pay soldiers and build forts for the defense of any of the Colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any Colony without the consent of the legislature.

POWER TO MAKE LAWS, LAY DUTIES, ETC.

That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just (considering the ability and other circumstances of the inhabitants in the several Colonies), and such as may be collected with the least inconvenience to the people; rather discouraging luxury than loading industry with unnecessary burdens.

GENERAL TREASURER AND PARTICULAR TREASURER.

That they may appoint a General Treasurer and Particular Treasurer in each government when necessary; and from time to time, may order the sums in the treasuries of each government into the general treasury or draw on them for special payments, as they find most convenient.

MONEY, HOW TO ISSUE.

Yet no money to issue but by joint orders of the President-General and Grand Council, except where sums have been appointed to particular pur-

poses, and the President-General is previously empowered by an act to draw such sums.

ACCOUNTS.

That the general accounts shall be yearly settled and reported to the several Assemblies.

QUORUM.

That a quorum of the Grand Council, empowered to act with the President-General, do consist of twenty-five members; among whom there shall be one or more from a majority of the Colonies.

LAWS TO BE TRANSMITTED.

That the laws made by them for the purposes aforesaid shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

DEATH OF THE PRESIDENT-GENERAL.

That, in case of the death of the President-General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the King's pleasure be known.

OFFICERS, HOW APPOINTED.

That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated by the President-General; but the approbation of the Grand Council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President-General's approbation before they officiate.

VACANCIES, HOW SUPPLIED.

But in case of vacancy by death or removal of any officer, civil or military, under this constitution, the Governor of the Province in which such vacancy happens may appoint, till the pleasure of the President-General and Grand Council can be known.

EACH COLONY MAY DEFEND ITSELF IN EMERGENCY, ETC.

That the particular military as well as civil establishments in each Colony remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any Colony may defend itself, and lay

the accounts of expense thence arising before the President-General and General Council, who may allow and order payment of the same, as far as they judge such accounts just and reasonable.

1765—DECLARATION OF RIGHTS—1765.

The Congress, upon mature deliberation, agreed to the following declarations of the rights and grievances of the colonists in America:

The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty, to His Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists and of the grievances under which they labor by reason of the several late acts of Parliament.

1. That His Majesty's subjects in these colonies, owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm; and all due subordination to that august body, the Parliament of Great Britain.

2. That His Majesty's liege subjects, in these colonies, are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain.

3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally, or by their representatives.

4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain.

5. That the only representatives of the people of these colonies, are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

6. That all supplies to the crown, being the free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to His Majesty, the property of the colonists.

7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties in the British colonies and

plantations, in America," etc., by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous, and from the scarcity of specie, the payment of them absolutely impracticable.

10. That as the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the crown.

11. That the restrictions imposed by several late acts of Parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the King, or either house of Parliament.

Lastly. That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavour by a loyal and dutiful address to His Majesty, and humble applications to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of Parliament, whereby the jurisdiction of the admiralty is extended, as aforesaid, and of the other late acts for the restriction of American commerce.

1774—DECLARATION OF RIGHTS—1774.

Whereas, since the close of the last war, the British Parliament claiming a power of right, to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

And, whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the crown alone for their salaries, and standing armies kept in time of peace: And, whereas, it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the Eighth, colonists may be transported to England, and tried there upon accusations

for treasons, and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned.

And, whereas, in the last session of parliament, three statutes were made; one, entitled "An act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares and merchandise, at the town, and within the harbour of Boston, in the province of Massachusetts Bay, in North America;" another, entitled "An act for the better regulating the government of the province of Massachusetts Bay in New England;" and another, entitled "An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay in New England;" and another statute was then made, "for making more effectual provision for the government of the province of Quebec," etc. All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.

And, whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances, and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt by His Majesty's ministers of state:

The good people of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, New Castle, Kent and Sussex, on Delaware, Maryland, Virginia, North Carolina and South Carolina justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted and appointed deputies to meet, and sit in General Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted. Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for effecting and vindicating their rights and liberties, DECLARE,

That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS:

Resolved, N. C. D. 1. That they are entitled to life, liberty, and property, and that they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

Resolved, N. C. D. 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to

all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

Resolved, N. C. D. 3. That by such emigration, they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved, N. C. D. 4. That the foundation of English liberty, and of all free government, is a right of the people to participate in their legislative council; and as the English colonists are not represented, and from their local and other circumstances can not properly in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent.

Resolved, N. C. D. 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

Resolved, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of the colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, N. C. D. 7. That these, his Majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, as secured by their several codes of provincial laws.

Resolved, N. C. D. 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

Resolved, N. C. D. 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a counsel appointed, during pleasure, by the crown, is unconstitutional, dangerous and destructive to the freedom of American legislation.

All and each of which the aforesaid duties, in behalf of themselves,

and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the late war, which demonstrate a system formed to enslave America.

Resolved, N. C. D. The following acts of parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonists, viz.:

The several acts of 4 Geo. III. ch. 15 and ch. 34.—5 Geo. III. ch. 25.—6 Geo. III. ch. 52—7 Geo. III. ch. 41, and ch. 46.—8 Geo. III. ch. 22, which imposed duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subservient of American rights.

Also 12 Geo. III. ch. 24, entitled "An act for the better securing his majesty's dock-yards, magazines, ships, ammunition, and stores," which declares a new offence in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offence described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of parliament, for stopping the port and blocking the harbour of Boston, for altering the charter and government of Massachusetts Bay, and that which is entitled "An act for the better administration of Justice," etc.

Also the act passed at the same session for establishing the Roman Catholic religion, in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger (from so total a dissimilarity of religion, law and government) of the neighboring British Colonies, by the assistance of whose blood and treasure the said country was conquered from France.

Also, the act passed in the same session, for the better providing suitable quarters for officers and soldiers in his majesty's service, in North America.

Also that the keeping a standing army in several of these colonies in

time of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

To these grievous acts and measures, Americans can not submit, but in hopes their fellow-subjects in Great Britain will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the present, only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association. 2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America; and 3. To prepare a loyal address to his Majesty, agreeable to resolutions already entered into.

1774—THE NON-IMPORTATION AGREEMENT—1774.

We, his Majesty's most loyal subjects, the delegates of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties of New Castle, Kent and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, deputed to represent them in a Continental Congress, held in the city of Philadelphia, on the fifth day of September, 1774, avowing our allegiance to his Majesty, our affection and regard for our fellow subjects in Great Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehensions at those grievances and distresses, with which his Majesty's American Subjects are oppressed, and having taken under our most serious deliberation the state of the whole Continent, find, that the present unhappy situation of our affairs, is occasioned by a ruinous system of Colony Administration adopted by the British Ministry about the year 1763, evidently calculated for enslaving these Colonies, and, with them, the British Empire.

In prosecution of which system, various Acts of Parliament have been passed for raising a revenue in America, for depriving the American subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alleged to have been committed in America; and in prosecution of the same system, several late, cruel, and oppressive acts have been passed respecting the town of Boston and the Massachusetts Bay, and also an act for extending the Province of Quebec, so as to border on the western frontiers of these Colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country; thus, by the influence of civil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant Colonies, whenever a wicked Ministry shall choose to direct them.

To obtain redress of these grievances, which threatens destruction to the lives, liberty, and property of his Majesty's subjects in North America,

we are of opinion that a Non-Importation, Non-Consumption, and Non-Exportation Agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure; and, therefore, we do, for ourselves and the inhabitants of the several Colonies whom we represent, firmly agree and associate, under the sacred ties of Virtue, honor and love of our Country, as follows:

First. That from and after the first day of December next, we will not import into British America, from Great Britain or Ireland, any Goods, Wares, or Merchandise whatsoever, or from any other place, any such Goods, Wares, or Merchandise, as shall have been exported from Great Britain or Ireland; nor will we after that day, import any East India tea from any part of the world; nor any Molasses, Syrups, Paneles, Coffee or Pimento, from the British Plantations or from Dominica; nor wines from Madeira, or the Western Islands; nor foreign Indigo.

Second. We will neither import nor purchase any slave imported, after the first day of December next; after which time we will wholly discontinue the Slave Trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

Third. As a Non-Consumptive Agreement, strictly adhered to, will be an effectual security for the observance of the Non-Importation, we as above, solemnly agree and associate, that from this day we will not purchase or use any tea imported on account of the East India Company, or any on which a duty hath been or shall be paid; and from and after the first day of March next, we will not purchase or use any East India tea whatever; nor will we nor shall any person for or under us, purchase or use any of those goods, wares, or merchandises, we have agreed not to import, which we shall know, or have cause to suspect, were imported after the first day of December except such as come under the rules and regulations of the tenth article hereafter mentioned.

Fourth. The earnest desire we have, not to injure our fellow-subjects in Great Britain, Ireland or the West Indies, induces us to suspend a Non-Exportation, until the tenth day of September, 1775; at which time, if the said acts and parts of acts of the British Parliament hereinafter mentioned are not repealed, we will not directly or indirectly, export any merchandise or commodity whatsoever to Great Britain, Ireland or the West Indies, except rice to Europe.

Fifth. Such as are merchants and use the British and Irish trade, will give orders, as soon as possible to their factors, agents and correspondents, in Great Britain and Ireland, not to ship any goods to them, on any pretence whatsoever, as they can not be received in America; and if any merchant, residing in Great Britain or Ireland, shall directly or indirectly ship any goods, wares, or merchandise, for America, in order to break the said Non-Importation Agreement, or in any manner contravene the same, on such

unworthy conduct being well attested, it ought to be made publick; and, on the same being so done, we will not from thenceforth have any commercial connexion with any such merchant.

Sixth. That such as are owners of vessels will give positive orders to their captains, or masters, not to receive on board their vessel any goods prohibited by the said Non-Importation Agreement, on pain of immediate dismissal from their service.

Seventh. We will use our utmost endeavors to improve the breed of sheep, and to increase their number to the greatest extent; and to that end, we will kill them as sparingly as may be, especially those of the most profitable kind; nor will we export any to the West Indies or elsewhere; and those of us who are or may become over-stocked with, or can conveniently spare any sheep, will dispose of them to our neighbors, especially, to the poorer sort, upon moderate terms.

Eighth. That we will, in our several stations, encourage frugality, economy, and industry; and promote agriculture, arts, and the manufactures of this Country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock-fighting, exhibitions of plays, shews, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families will go into any further mourning dress, than a black crape or ribbon on the arm or hat for gentlemen, and a black ribbon and necklace for ladies, and we will discountenance the giving of gloves and scarfs at funerals.

Ninth. That such as are venders of goods or merchandises, will not take advantage of the scarcity of goods that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do, for twelve months last past. And if any vender of goods or merchandise shall sell any such goods on higher terms, or shall in any manner, or by any device whatsoever violate or depart from this Agreement, no person ought, nor will any of us deal with any such person, or his or her factor or agent, at any time thereafter for any commodity whatever.

Tenth. In case any merchant, trader, or other person, shall import any Goods or Merchandise, after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either reshipped or delivered up to the Committee of the County or Town wherein they shall be imported, to be stored at the wish of the importer, until the Non-Importation Agreement shall cease, or be sold under the direction of the Committee aforesaid; and in the last mentioned case, the owner or owners of such goods shall be reimbursed out of the sales the first cost and charges; the profit, if any, to be applied towards relieving and employing such poor inhabitants of the Town of Boston as are immediate sufferers by the Boston Port Bill; and a particular account of all goods so returned, stored, or sold, to be inserted in the publick papers, and

if any goods or merchandises shall be imported after the said first day of February, the same ought forthwith to be sent back again, without breaking any of the packages thereof.

Eleventh. That a Committee be chosen in every County, City, and Town, by those who are qualified to vote for Representatives in the Legislature, whose business it shall be attentively to observe the conduct of all persons touching this Association; and when it shall be made to appear to the satisfaction of a majority of any such Committee, that any person within the limits of their appointment has violated this Association, that such a majority do forthwith cause the truth of the case to be published in the *Gazette*, to the end that all such foes to the rights of British America may be publicly known and universally condemned as the enemies of American liberty; and thenceforth we respectively will break off all dealings with him or her.

Twelfth. That the Committee of Correspondence in the respective Colonies, do frequently inspect the entries of their Custom Houses, and inform each other, from time to time, of the true state thereof, and of every other material circumstance that may occur relative to this Association.

Thirteenth. That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

Fourteenth. And we do further agree and resolve that we will have no Trade, Commerce, Dealings, or Intercourse whatsoever with any Colony or Province in North America, which shall not accede to, or which shall hereafter violate this Association, but will hold them as unworthy of the right of freemen, and as inimical to the liberties of this country.

And we do solemnly bind ourselves and our constituents under the ties aforesaid, to adhere to this Association until such parts of the several Acts of Parliament passed since the close of the last war, as impose or continue duties on Tea, Wine, Molasses, Syrups, Paneles, Coffee, Sugar, Pimento, Indigo, Foreign Paper, Glass, and Painters' Colors, imported into America, and extend the powers of the Admiralty Courts beyond their ancient limits, deprive the American subjects of Trial by Jury, authorize the judge's certificate to indemnify the prosecutor from damages that he might otherwise be liable to from a trial by his peers, require oppressive security from a claimant of ships or goods seized before he shall be allowed to defend his property, are repealed. And until that part of the act of the 12th George III., ch. 24, entitled "An Act for the better securing his majesty's Dock-Yards, Magazines, Ships, Ammunition, and Stores," by which any person charged with committing any of the offences therein described, in America, may be tried in any Shire or County within the realm, is repealed—and until the four Acts passed in the last session of Parliament, viz.: That for stopping the Port and blocking up the Harbor of Boston—that for altering the Charter of government of the Massachusetts Bay—and that which is entitled "An Act for the better Administration of Justice," etc.—and that

for extending the limits of Quebec, etc., are repealed. And we recommend it to the Provincial Conventions, and to the Committees in the respective Colonies, to establish such farther regulations as they may think proper for carrying into execution this Association.

The foregoing Association being determined upon by the Congress, was ordered to be subscribed by the several numbers thereof; and thereupon, we have hereunto set our respective names accordingly.

In Congress, Philadelphia, October 20, 1774.

PEYTON RANDOLPH, President.

1776—THE DECLARATION OF INDEPENDENCE.—1776.

In Congress, July 4, 1776.

The Unanimous Declaration of the Thirteen United States of America.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; that, whenever any Form of Government becomes destructive of these ends, it is the Right of the people to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such Government, and provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us in times of peace, Standing Armies, without the Consent of our legislature.

He has affected to render the Military independent of, and superior to, the Civil Power.

He has combined, with others, to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us.

For Protecting them, by a mock Trial, from Punishment for any murders which they should commit on the inhabitants of these States.

For cutting off our Trade with all parts of the world.

For imposing taxes on us without our consent.

For depriving us, in many cases, of the benefits of Trial by Jury.

For transporting us beyond Seas to be tried for pretended offenses.

For abolishing the free System of English Laws in a neighboring province, establishing therein an Arbitrary government and enlarging its Boun-

daries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies.

For taking away our Charters, abolishing our most valuable Laws, and altering, fundamentally, the Forms of our Governments.

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here by declaring us out of his Protection, and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens, taken Captive on the high Seas, to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these Oppressions, We have Petitioned for Redress in the most humble terms; our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace, Friends.

We, therefore, the representatives of the United States of America, in General Congress Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That the United Colonies are, and of Right ought to be, Free and Independent States: that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as Free and Independent States,

they have full power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

JOHN HANCOCK.

NEW HAMPSHIRE— Josiah Bartlett, Wm. Whipple, Matthew Thornton.	NEW JERSEY. Richd. Stockton, Jno. Witherspoon, Fras. Hopkinson, John Hart, Abra. Clark.	Charles Carroll, of Car- rollton.
MASSACHUSETTS BAY— Saml. Adams, John Adams, Robt. Treat Paine, Elbridge Gerry.	PENNSYLVANIA— Robt. Morris, Benjamin Rush, Benja. Franklin, John Morton, Geo. Clymer, Jas. Smith, Geo. Taylor, James Wilson, Geo. Ross.	VIRGINIA— George Wythe, Richard Henry Lee, Th. Jefferson, Benja. Harrison, Thos. Nelson, Jr., Francis Lightfoot Lee, Carter Braxton.
RHODE ISLAND— Step. Hopkins, William Ellery.		NORTH CAROLINA— Wm. Hooper, Joseph Hewes, John Penn.
CONNECTICUT— Roger Sherman, Sam'el Huntington, Wm. Williams, Oliver Wolcott.	DELAWARE— Caesar Rodney, Geo. Read, Tho. M'Kean.	SOUTH CAROLINA— Edward Rutledge, Thos. Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton.
NEW YORK— Wm. Floyd, Phil. Livingston, Frans. Lewis, Lewis Morris.	MARYLAND— Samuel Chase, Wm. Paca, Thos. Stone.	GEORGIA— Button Guinnett, Lyman Hall, Geo. Walton.

1777—ARTICLES OF CONFEDERATION—1777.

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.—The style of this confederacy shall be, "The United States of America."

ART. II.—Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled.

ART. III.—The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided, also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. V.—For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in any meeting of the States and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ART. VI.—No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign State; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No States shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary, by the United States in Congress assembled, for the defense of such State or its trade; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or State, and the subjects thereof against which war has been so declared, and under such regulations as shall be estab-

lished by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. VII.—When land forces are raised by any State for the common defense, all officers of or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII.—All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. IX.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the Legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes in differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever, which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress, to the legislative or

executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they can not agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the Supreme or Superior Court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any of the States; provided that the legislative right of any State, within its own limits,

be not infringed or violated; establishing and regulating post-offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number can not be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treatise or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the num-

ber of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript, of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ART. X.—The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. XI.—Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same unless such admission be agreed to by nine States.

ART. XII.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII.—Every State shall abide by the determination of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and afterward confirmed by the legislatures of every State.

And whereas, it hath pleased the Great Governor of the world to incline the hearts of the Legislatures we respectfully represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union, Know ye, that we, the undersigned delegates, by virtue of

the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

1787—CONSTITUTION OF THE UNITED STATES—1787.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the

State of New Hampshire shall be entitled to choose three, Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Section 3. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4. 1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. 1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Section 7. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting

for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post-offices and post roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers,

and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

Section 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title or nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury

of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Section 1. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows.

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The President of the Senate, shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United

States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the power and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of dis-

agreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Section 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

Section 2. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. 1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section 2. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article;

and that no State, without its consent shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON,

President and Deputy from Virginia.

NEW HAMPSHIRE—

John Langdon,
Nicholas Gilman.

MASSACHUSETTS—

Nathaniel Gorham,
Rufus King.

CONNECTICUT—

Wm. Samuel Johnson,
Roger Sherman,

DELAWARE—

Geo. Read,
Gunning Bedford, Jr.,
John Dickinson,
Richard Bassett,
Jacob Broom,

MARYLAND—

James McHenry,
Daniel of St. Thos. Jenifer,
Danl. Carroll.

NEW YORK—

Alexander Hamilton.

VIRGINIA—

John Blair,
James Madison, Jr.

NEW JERSEY—

Will Livingston,
David Brearley,
Wm. Paterson,
Jonah Dayton.

NORTH CAROLINA—

Wm. Blout,
Richd. Dobbs Spaight,
Hu. Williamson.

PENNSYLVANIA—

Benjamin Franklin,
Thomas Mifflin,
Robt. Morris,
Geo. Clymer,
Thos. Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouv. Morris.

SOUTH CAROLINA—

J. Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA—

William Few,
Abr. Baldwin.

Attest: William Jackson, Sec'y.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated,

and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to ex-

tend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

Sec. 1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizen shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

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